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COVENANT

OF THE

FIRST CHURCH IN DEDHAM, Mass.

WITH SOME

FACTS OF HISTORY

AND

ILLUSTRATIONS OF DOCTRINE.

FOR THE USE OF THE CHURCH.

DEDHAM, MASS.:
PRESS OF HUGH H. MCQUILLEN.
1878.

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PREFACE.

Repeated application for copies of the form of covenant in use in this church made the re-publication of that instrument necessary. The frequent question, — what do Unitarians believe? suggested the propriety of adding some illustrations of those doctrines which, without being formulated into a creed, are yet most surely believed among us. Some facts have been stated and documents inserted, to explain the ecclesiastical relations of the church. To these have been added an historical account of the several houses of worship which the church has occupied, and biographical sketches of the ministers who have served it. Indebtedness to Dr. Lamson for historical and biographical material has been too frequent to be, in all cases, either acknowledged or indicated. The brief memoir of Dr. Bates is from Sprague's Annals of the American Pulpit; that of Dr. Lamson has been contributed for our purpose by a friendly hand.

The "Decision," re-printed in full in this volume, was delivered by the full bench at the Law Term of the Supreme Judicial Court of the State, held in Dedham, October, 1820. For convenience of reference and comparison, the passages

quoted from that document in the section entitled "Doctrinal History," have been re-printed in the "Decision" in *Italics*.

Upon pages 23 and 25 it is said, that the church ratified the action of the parish by an affirmative vote of twenty-one, "a majority of two of the voting membership of the church." The voting, or male, membership, as elsewhere stated, was thirty-eight. Twenty-one is two more than half; but as twenty-one from thirty-eight leaves seventeen, the actual majority of those concurring with the parish in this vote, was clearly four.

S. C. BEACH, *Pastor*.

Committee:

SANFORD CARROLL, Mrs. S. W. WHITNEY,
NATHANIEL SMITH, Mrs. C. E. MAYNARD,
CHARLES JAMES CAPEN.

DEDHAM, January 24, 1878.

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COVENANT.

"FORM OF CHRISTIAN UNION AND COVENANT ENGAGEMENTS" OF THE FIRST CHURCH IN DEDHAM.

ADOPTED MAY 17TH, 1793.

WE profess our belief of the Christian Religion. We unite ourselves together for the purpose of obeying the precepts and honoring the institutions of the religion which we profess. We covenant and agree with each other to live together as a band of Christian brethren; to give and receive counsel and reproof with meekness and candor; to submit with a Christian temper to the discipline which the Gospel authorizes the church to administer; and diligently to seek after the will of God, and carefully endeavor to obey all his commands.

ILLUSTRATIONS OF DOCTRINE.

From Sermons of Rev. Alvan Lamson, D. D.

Congregationalism.—"A Congregational Church may be Trinitarian or Unitarian, Calvinistic or Arminian. There are Calvinistic and Arminian Episcopalians; Calvinistic or Whitefieldian, and Arminian or Wesleyan Methodists. So of Congregationalists. Congregationalism is wholly a matter of polity, church government, or discipline, not of doctrine. So it was from the beginning. Congregationalism, as such, prescribes no creed, and never has. It did not at the first, but made the members of each particular church judges, both as regards faith and practice, of the fitness of those offering themselves for admission; thus securing the liberty and independence of the churches. There are Unitarian Congregationalists and Trinitarian Congregationalists. This language, as might be readily shown, has the sanction of the best authority and usage.

This old church did not cease to be Congregational, when, in 1793, it adopted its present covenant. Mr. Haven died in 1803, a Congregationalist, and pastor of a Congregational church. Dr. Bates, between 1803 and 1818, was minister of a Congregational church; and it has remained Congregational. The same covenant which was used then is used now."—*Fortieth Anniversary Sermon. Note H.*

FREEDOM OF FAITH AND WORSHIP.—"I only announce another plain and obvious truth, when I say that the Gospel secures freedom of thought and opinion, and freedom of conscience. This is part of the liberty with which Christ has made his followers free,—freedom to think and judge for themselves in matters of religion, and every other. This freedom Christians have not allowed to each other. . . . . But Jesus granted it to his disciples, or rather recognized it as an original and indestructible right of human nature. His teachings are interpenetrated throughout by the principles of the noblest freedom; they encourage examination and research,—encourage the independent exercise of the reasoning powers. He forged no fetters for the mind. . . . . He allows private judgment in its widest sense,—the liberty of each one to think and decide for himself. . . . .

"Toleration is an odious word. It implies the right to prescribe, to exact conformity, which we acknowledge in no earthly power,—a right to grant or withhold freedom of faith and worship. This right we deny. Christ conferred no such right on his followers. The Christian law of liberty is entire freedom to choose,—to interpret the Bible each for himself, and to settle his own mode of faith and worship, and enjoy it without 'let or hindrance,' or permission asked of any human authority,—and without uncharitable censures, too."—*Sermon on Liberty.*

"And yet, I by no means accept the principle, that it is of no consequence what a man believes. I am not sure that this principle has not been regarded with too much favor in the denomination to which we belong. . . . . Other sects carefully indoctrinate the young. We, in our love of freedom, our respect for the right of individual judgment, and confidence in our principles as almost self-evident truths, are too

much disposed—shall I say it?—to leave the young to indoctrinate themselves. We labor to make them religious, good, pure, full of aspiration and reverence; but their theology they must pick up as they can. Why leave the young thus unarmed, when we know the influences which may be brought to bear on their minds, the false and distorted representations of our views they will be likely to hear, and the arts of proselytism to which they will be exposed?"

"I do not anticipate any speedy amalgamation of sects, if it be ever witnessed; but the time will come, I trust, when it will be seen and felt, that the great, broad, life-giving truths of the gospel are monopolized by no sect; when men will look to be saved, not by sects and creeds, and articles and liturgies, but by the spirit of Christ, the spirit of love, dwelling in them."—*Fortieth Anniversary.*

REASON AND FAITH.—"Persons speak of believing things against reason,—I do not say things above reason, things which reason was unable to discover, but which may be proper subjects of revelation,—but things against reason, things contradictory to reason. Thus Turtullian, one of the old Fathers of the Church, could say, 'It is certain, because it is impossible.' In this way persons have thought to exalt the merit of faith. But if they will carefully examine the state of their own minds, they will find that they are deceiving themselves. . . . . They may try to believe; they may flatter themselves that they do believe, or may 'make believe' believe; but it is impossible, in the nature of things, for a person to believe what, according to any view he can take of it, appears contradictory or absurd. If he could, there would be an end at once of all rational belief whatever, and the divine faculty of reason would be a vain gift."—*Hesitancy in Belief.*

RELIGION.—"What is religion? persons ask. . . . . If we look to the teachings and life of the Saviour, the question need not perplex us, and nothing can be simpler than the answer. They are the best Christians who most love God and their fellow-beings, and manifest that love in their lives, whatever be their creed or worship. These, in themselves considered will save no one, but only fulfilling the command, —doing as Jesus has said,—loving God and our fellow-beings. This is the grand essential of all true religion."—*The Word is in thy Heart.*

"I say not that theology is ever the same; that men's opinions are ever the same. Systems change; the scientific explanations of religious truths change; forms, creeds, ministrations, rites, expositions, modes, change. But religion, strictly so called, is unchangeable. Mercy, love, reverence, are ever the same."—*Religion Unchangeable.*

"Purity in heart and life, love to God, and justice and charity towards man,—these are the great Gospel requisites, —the essential, and the only essential thing,—the sole end of Christ's religion."—*Christian Worship and Rites.*

REPENTANCE.—"The question is sometimes asked, What is repentance? We here see what it is. It is turning back to God,—it is reform,—it is forsaking the way of transgression. It is not the sitting down and mourning over sin in agony of spirit,—it is arising and leaving it. . . . . Men have made a mystery of it, and darkened it by theories. But the Saviour says simply, 'And he arose, and came to his father.' This is all which he thought it necessary to say on the subject. And repentance is the same now. It implies a change, and a great

change undoubtedly, but one which is perfectly simple and intelligible. It begins in a consciousness of wrong-doing, or wrong feelings and affections; and this is followed by reformation in practice and life. As sin, according to the representation of the Saviour, is a practical evil, so repentance is a practical turning from it to the path of duty and obedience." —*The Youngest Son.*

FORGIVENESS.—"Questions are raised about forgiveness, and the terms of forgiveness with God, or how God is led to pardon sin. But on this subject the language of the Saviour is very simple. There is no question that the father in the Parable is designed to represent God. . . . . Does he turn an angry look on the suppliant? Does he plead the inflexible demands of justice? Does he refuse to be conciliated till the elder son comes and entreats,—offers to take on himself the penalty of his brother's transgression, and be punished in his stead? No! He does not wait even till the unworthy son reaches his door, and on his knees pleads to be admitted. He descries him while yet a great way off, and all a parent's love throbs in his bosom."—*The Younger Son.*

GOD.—"He that is able to comprehend the feelings of an earthly parent towards an erring and repentant child, is able, if he will look into his own heart, and not to creeds of theologians, to comprehend the forgiving mercy of God."—*The Younger Son.*

"Grant me this,—let it be considered as firmly settled, that we are called into existence by an infinitely wise and paternal Being, and all else, as it seems to me, follows. All will finally be well. I can imagine no motive which should induce him to give us existence at all, which will not induce him also to

grant us a continued or revived existence beyond the grave, and under circumstances which will render that existence happy, unless, by perseverance in sin we defeat his kind purpose. To this source—confidence in God as a Father—I turn in all cases of perplexity attending objects of faith,—the existence of evil, death, and misery in the world."—*Hesitancy of Belief.*

CHRIST.—"Jesus went about taking the sorrowing by the hand, and leading them to the fountains of consolation, assuring the penitent of the Father's forgiving mercy; strengthening the weak, rekindling the spark of goodness in the soul in which any feeble remains of the love of God and of right were visible; announcing that there is joy in heaven over one sinner that repenteth."—*The Greater than Solomon.*

"I do not see how the sinner, how the cold and selfish heart, can read the histories of Christ without being convinced of sin,—without standing self-condemned. So much purity, so much devotion, so much love, cannot but touch the soul; and that soul must see its own poverty, its own want of conformity with the highest law of love and right, the law of God. It must see it. It could not be more fully convinced of it were Christ present to say to it, 'Thou art a sinful soul.' .... And thus the knee is bent in prayer, and through Christendom, in consecrated edifices and in many a secret chamber, the contrite soul has sought to unburden itself, and the petition for forgiveness has gone up, and is continually ascending, to the throne of God's mercy."—*The Thoughts of the Heart Revealed.*

PRAYER.—"What is a Christian prayer,—its nature and end? It is not anything which is to operate mechanically, or by any

charm, to win the smiles of Heaven. . . . . The utterance of prayers, apart from the spirit in which they are offered, is not, as it has been sometimes supposed, so much work done by which we are to be benefited,—which is to be set down to the account of our piety or merit. . . . . A Christian prayer is the aspiration of the devout soul to God. It is true communion with the Father. It is the lifting up of the heart to him under a sense of sinfulness and needs,— with gratitude and an earnest desire for his blessing, and especially the blessing of resignation to his will,—a calm, holy trust, united with an obedient temper and life. . . . . It is not necessary that we should be able to determine precisely how it may avail. This effect, at least, we can see,—it prepares us for the reception and right use of the blessings asked. How many have felt the tranquilizing and strengthening influence of prayer! How many, while they have prayed to be resigned under God's afflictive hand, have felt their troubled spirit soothed, and a holy peace enter their breasts! How many, who, in the hour of temptation, have looked to God, have been conscious of a new power of resistance! These are all so many encouragements to prayer."

"Public prayer should be an act of the congregation. We assemble to pray, as well as to listen to expositions of truth and duty. . . . . And he who attends a Christian church simply to hear a sermon, and makes that everything, or almost everything, mistakes the purpose for which a congregation comes, or should come, together. He is to come as a worshipper, and not merely as a hearer."—*Christian Worship.*

BAPTISM.—"The dedication of a child to God and Christ in baptism, intimately connects itself with parental obligation. It is a seal of parental responsibility and a solemn pledge, in

the sight of God, of fidelity. By this impressive act, the parent is reminded that the child belongs to God; that a duty is to be performed to its soul; that it is to be trained to take thought for something beyond the distinctions and embellishments of this earthly life; that its immortal part is to be cared for; that it is to be educated for God and eternity."—*Christian Worship.*

THE LORD'S SUPPER.—"This memorial rite,—does it embody and set forth no great truths, on which it concerns us to meditate, and on which it may help us to meditate with effect? Do we not need it? Can it be any detriment to us,—nay, may we not all be greatly benefited by occasionally turning aside from the thoroughfares of the world, the hum of business, the pursuit of wealth or political distinction, to meditate on those holy truths and that spirit of self-sacrificing love of which this rite so forcibly reminds us? . . . . What force have objects presented to the eye or the imagination! The mind becomes wrapt in thought at the sight of a painting or statue. What power has some relic of a friend, accidentally met with, in recalling him to our thoughts! The book he last read, the word he last traced with his pen, the place he last occupied, have power deeply to affect the mind. Scenes and objects present to the imagination have something of the same effect. The spot which holy men have trodden, the place where their ashes repose,—what power have they to stir up thoughts and feelings in those who have never seen them, who know them only from the pen of the historian or from the graver's art! . . . . I would encourage no superstitious reverence for the elements of bread and wine. To the mere act of external communion, if no holy thoughts and holy feelings be excited, I attribute no value. But to the act as

bringing the soul, by voluntary meditation, into spiritual communion with the Saviour and with the invisible company or church of the faithful of all past ages, I do attribute great importance. I regard it as a silent quickener of devotion,—a bond of charity, a help to the attainment of a growing likeness to the Saviour now, and a preparation for a final union with him in a better world. This relic of the primitive worship, amid the changes of human opinion and crumbling away of human systems, I would see held in reverence. The faithful use of it I cannot doubt God will ever bless."—*Christian Worship.*

DOCTRINAL HISTORY.

TENDENCY.—"This Church, being the fourteenth that was embodied in the country, was gathered on the 8th day of November, 1638,"[1] Old style, corresponding to Nov. 18th, New style.

The church took its stand at the outset upon the principle of religious liberty. Its records open with the words: "A brief history of the church of Christ, gathered in his name, in Dedham, in New England, the 8th of the 9th month, relating only such passages of providence and carriages of affairs thereof, as were thought most material and useful, both for the present state of the church to review upon occasion, and also for future ages to make use of in any case which may occur wherein light may be fetched from examples of things passed, *no way intending hereby to bind the consciences of any to walk by this pattern, or to approve the practice of this church, further than it may appear to be according to the rule of the gospel.*"

It is to be supposed that the general system of New England theology then prevalent, was accepted here; but, accidentally or purposely, the terms of the confession were so stated by the church as to allow a wide latitude of belief

[1] Rev. SAMUEL DEXTER. Discourse "Upon the conclusion of the first century." Dedham Pulpit; or Sermons by the Pastors of the first church in Dedham, in the XVIIth and XVIIIth Centuries. Edited by Rev. E. BURGESS, D. D.

among its members.[1] The original covenant is explicit only in "professing and acknowledging the Lord Jesus, our blessed Redeemer, to be the only priest, prophet, and king of his church, and through the help of his grace, his only merit we rest upon for our pardon and peace with the Father, his only teaching and righteous government with all the blessed ordinances of his kingdom, we do embrace and submit unto all things as the rule of our lives; renouncing all our own righteousness, with all the doctrines, devices, and commandments of men not agreeing with his holy word." The officers, a pastor and elder, say the records, "being set up, they attended to the desire of such in the town as sought entrance into the church, who, when they were both satisfied in their judgment of charity concerning the right of any such to the ordinances, and saw offences cleared up, either by the innocency of the party appearing or manifestation of repentance, they, by the ruling elder, propounded publicly to the church the desires of such persons, and, after a convenient time, if no objection were produced by any of the church, they had a time appointed by the ruler to make a profession of their faith unto the church, and so if no just reason were alleged, they were received." It is said that a high standard of Christian life and duty was set up and maintained during the long pastorate of Mr. Allin. "He required a strict scrutiny into the actions and religious affections of each candidate, before admission, even in those cases where the candidate was a member of

[1] "None of the earlier covenants of the First Church contain the doctrine of the Trinity, if their language can be reconciled with it. Nor does the language of any of these documents authorize the inference that the framers of them believed generally in what are called the doctrines of Calvinism."—Dr. LAMSON, Fortieth Anniversary, p. 58.

another church."[1] Under his immediate successors, "alterations were made more than once as to the terms of admitting persons to church fellowship," but not, it would appear, in the interest of greater stringency.

Before the "Great Awakening" attending the visit of Whitefield to this country, in 1739, and the subsequent appearance of a class, since become familiar, but then significantly called "*New*-Lights," the religious life of our forefathers, with all its severity, had been singularly quiet and undemonstrative. Hitherto, a Christian education and a good character had been commonly considered, by the churches of New England, to be sufficient evidence of Christian discipleship. "They did all agree with their brethren of Plymouth in this point," says Cotton Mather, "that the children of the faithful were church members with their parents; and that their baptism was a seal of their being so: only before admission to fellowship in any particular church, it was judged necessary that being free from scandal in life, they should be examined by the elders of the church, upon whose approbation of their fitness they should publicly and personally own the covenant, and so be received unto the table of the Lord."[2] The consequence was that the churches came to be filled with communicants

[1] WORTHINGTON — History of Dedham from the beginning of its settlement in Sept. 1635, to May, 1827.

[2] Old Town Folks, by HARRIET BEECHER STOWE, p. 361. "Originally, therefore," says Mrs. Stowe, "the first young people who grew up in New England were taught in their earliest childhood to regard themselves as already members of the church, as under obligations to comport themselves accordingly, and at a very early age it was expected that they would come forward by their own act and confirm the action of their parents in their baptism in a manner much the same in general effect as confirmation in the Church of England."

whose religion had grown up with them from infancy, and who, in modern phraseology, were 'unconverted men,' though in general, no doubt, of pure and upright life. As with the pews so with the pulpits. Of the New England clergy of these days, Whitefield says in his journal,[1] "Many, nay, perhaps most that preach, I fear, do not experimentally know Christ. For I am verily persuaded the generality of preachers talk of an unknown and unfelt Christ. The Lord enabled me to open my mouth boldly against unconverted ministers." To the eloquence of Whitefield, the powerful influence of Jonathan Edwards was added, and a more emotional type of piety began to prevail. The theory of miraculous conversion became widely accepted, and the practice of requiring a remarkable experience, adequate to the supposed miracle, was introduced. It is noteworthy that, though the movement reached here, and there was a "great revival about 1742, under the Rev. Mr. Dexter's ministry,"[2] this church maintained its liberal traditions, and even relaxed its conditions of membership. "March 7th, 1742, the church voted not to insist on persons offering relations as a term of admission into fellowship with them, and at the same time introduced a confession of faith to be assented to by each person, when admitted, who did not offer a relation."[3] In less than a generation, it was found necessary to relax this confession of faith in the interest of a larger doctrinal liberality. Though

[1] WHITEFIELD'S Journal at New England, pp. 94–99.

[2] Dr. BURGESS. Dedham Pulpit. A Centennial Discourse.

"The church book, without specifying a cause for extraordinary attention to religion, records an unusual number of admissions to the church in Dec. and Jan. of the years 1741 and 1742.—Dr. LAMSON. A History of the First Church and Parish in Dedham."

[3] Rev. JASON HAVEN.

excellent in general, it "contained some religious tenets concerning which many pious persons have their doubts and difficulties. About the year 1767, it was suggested to the church that something more concise, and expressed in more general terms, might better answer the purpose. A substitute of this kind was proposed and peaceably adopted."[1] Before another generation had passed, the pressure of ideas required a further modification of the conditions of membership; and in 1793, near the close of Mr. Haven's long pastorate, the present simple and admirable "form of Christian union and covenant engagements" was adopted, which, without any specific doctrinal implications, affirms a "belief in the Christian religion," and "the purpose of obeying the precepts, and honoring the institutions of the religion we profess."

The covenant, as then adopted, has continued in the use of the church for eighty-four years. The names of the committee by whom this instrument was framed and reported, were Dea. Isaac Bullard, Timothy Stow, Dea. Joseph Whiting, Samuel Haven, and Dea. Aaron Fuller. The same committee also recommended that a person desiring admission shall apply to the minister, and make his desire known; that the minister shall mention this in public; and if no valid objection is offered against the person within a fortnight, the name of the person shall be inserted in the church records. If the candidate preferred, he could be admitted according to the forms before in use. Both recommendations of the committee were "very unanimously adopted."

At the annual meeting, March 20, 1820, it was voted "that all members of churches, residents in the parish, who statedly communicate with this church, be hereafter considered as

[1] Rev. JASON HAVEN.

entitled to all the rights and privileges of members of this church."

For other persons, the conditions of membership were further modified, July 2, 1854, by the following vote: "That instead of mentioning the desire of persons to become members in public, before the congregation, the pastor may hereafter mention it before the church at the communion preceding that at which it is proposed that said persons be admitted, or at least a fortnight before their admission; or may follow the old method at his discretion."

Thus the main current of tendency in this church, starting at a high level, has always run in the direction of an increasing liberality in matters of faith.

REACTION.—That there should have come a reaction in favor of ancient methods, and a drift of sentiment towards the new form of piety, both in the direction of greater stringency, was to be expected. Such tendencies, however, if they existed, were not noticeable when the last covenant was made, in 1793, nor when Mr. Haven celebrated his fortieth anniversary, in 1796, and could say, "a disposition has prevailed to permit every one freely to enjoy the right of his private opinion, provided he doth not break in upon the rights of others." They could not have suddenly risen into ascendency during the seven years which intervened before the settlement of his colleague and successor, and hence, had we not competent testimony,[1] we should be prepared to believe that when, in 1803, "the Rev. Mr. Bates was invited to the pastoral office in this church, it was the common impression that he belonged to what is called the moderate or

[1] Dr. LAMSON.

rational school. . . . For a little time, nothing seems to have occurred to disappoint this expectation;" the liberal policy which had prevailed under his predecessors being continued during the first part of Dr. Bates's ministry. "But ere long it became apparent that the Pastor's views had been misapprehended, or that he had changed his sentiments or his policy." That Dr. Bates should have modified his earlier opinions, and ultimately should have inclined, in doctrine and practice, to the stricter sect of New England theologians, is no just cause of reproach. "The abilities, the prudence, the unexceptionable life, and undoubted piety of Dr. Bates,"[1] secure him an honorable place among the pastors of this church. It was, however, unfortunate that such a modification of his opinions should have occurred as to lead him to set himself in opposition to the prevailing tendency, and to reverse, as far as possible, the liberal policy of the church. "Indications, not to be mistaken, of growing exclusiveness, were viewed by a large portion of his people with deep regret. They had too much moderation and Christian forbearance to become fomenters of discord, but they believed they had serious cause for dissatisfaction and complaint."[2]

Upon the resignation of Dr. Bates, in 1818, the two tendencies here indicated, as shown by the vote upon the choice of a successor, were, in the church, very nearly balanced; in the parish, the liberal tendency was in the ascendant.

CONTROVERSY.—To the conditions of controversy within the church and parish at the date of Dr. Bates's resignation, there was added an additional impulse from without. "It was at this time," says Dr. Lamson,[3] "that the lines of separation

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[1] WORTHINGTON. [2] Dr. LAMSON. [3] Fortieth Anniversary.

between Unitarian Congregationalists and Trinitarian Congregationalists, in which there has been little change since, were definitely drawn. Many parishes were divided, and new societies were formed, Liberal or Orthodox. Amid the general agitation, it was not to be expected that this old and populous parish should escape untouched by the wars of controversy. The settlement of a minister would necessarily call forth earnest discussion, and the feelings would be enlisted for or against; so it was here in 1818. The old parish by a two-thirds majority, or a little more, representing four-fifths of the taxable property, retained possession; and the one-third, or nearly that, representing one-fifth of the property, protested and retired. The majority, which was Liberal, settled me." The church refused to concur with the parish, by a vote of seventeen to fifteen, one claiming to have voted with the minority by mistake, leaving the actual strength of the majority eighteen in a total voting membership of thirty-eight, six of whom did not vote at all.[1]

At this period, and until "the year 1834, by the laws of the Commonwealth, all persons were compelled to pay for the support of public worship somewhere, and were taxed for that purpose, Boston excepted, according to the amount of their property, just as they are taxed now for the support of schools."[2]

As a matter of abstract justice, whatever may have been

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[1] A Statement of the Proceedings in the First Church and Parish in Dedham, respecting the settlement of a Minister, 1818, By a member of said Church and Parish, At the request of a multitude within and without; p. 15.

Happily the time to enter into the personalities of the controversy has passed. It is sufficient that neither party neglected any legitimate means to obtain a majority.

[2] Dr. LAMSON.

their legal rights, it will hardly be questioned that those who were taxed to pay for the services of a minister should be permitted to choose the minister, for whose services they were to pay. The strength of parties in the church being nearly equal, the parish summoned a council of churches, which, after two days of deliberation, determined to ordain the candidate: "having a strong conviction, on which it was their duty to act, that greater good was to be expected to this society, and to the church in general, from the course on which they had resolved, than from any other within their choice."

A council of churches was then summoned, in the name of the church, to advise as to the course it should pursue in view of its existing embarrassments. Before the council assembled, a meeting of the church was called, and the action of the parish was accepted as an accomplished fact in the election of the parish minister to the pastorate of the church, by an affirmative vote of twenty-one,[1] a majority of two of the voting membership of the church: "A larger vote," says Dr. Lamson, "sanctioning the proceedings of the parish, than was ever given against them, ... some who opposed the proceedings of the parish before the ordination afterwards yielding their scruples, and living and dying in communion with the church adhering to the parish."

The effect of this vote was, to give a formal recognition to what, in the opinion of the Supreme Court, was already an accomplished fact. The legality of the meeting, or the competency of the authority by which the meeting was called, has been established by the same tribunal. In a suit afterwards

[1] A subsequent motion, at the same meeting, to admit the Pastor-elect to the fellowship of the Church, was carried by an affirmative vote of twenty-three.—*Church Records.*

instituted, it was decided that the ordination of a minister to a parish carried with it his ordination to the church of the parish: "Mr. Lamson thus became the lawful minister of the first parish in Dedham, and of the church subsisting therein, and had a right *to call church meetings*, and do all other acts pertaining to a settled and ordained minister of he gospel."[1]

The council summoned in the name of the church, maintained, as far as possible, a discreet neutrality. A committee from the meeting just referred to, at which it had been decided to accept the action of the parish, presented itself at the council. A portion of the council, how large does not appear, was in favor of recommending the church to pursue this course; but the majority were not ready to commit themselves to such a policy, and declined to receive the committee. They, however, avoided committing themselves to an opposite policy, by refusing to advise further opposition to the parish. Upon the adoption of the Result of Council, eight voted in the negative.[2]

Those members of the church who had acted with the parish or afterwards accepted its action, continued without change of place, of covenant, or of parochial relations. The dissatisfied members assembled in a new locality, adopted "a new creed and covenant," and constituted a church[3] disconnected from the parish.

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[1] See "Decision of the Court."

[2] Statement by a Member, p. 91. See "Church Council."

[3] Incorporated under the title of "PROPRIETORS OF THE NEW MEETING HOUSE IN DEDHAM," and variously designated:—"NEW MEETING HOUSE SOCIETY," *Worthington*.—"ALLIN CONGREGATIONAL CHURCH," *Dedham Directory*, 1874.—"FIRST CONGREGATIONAL CHURCH," *Dedham Directory*, 1877.—Better known as "ORTHODOX."

RESULT.—Taking the original vote by which the church refused to concur with the parish as decisive, the church parted from the parish by a majority of two,—17 to 15; or correcting the actual vote according to the apparent intention of the voters, a majority of four,—18 to 14, being two less than a majority of the voting membership. Taking as decisive the final vote by which it withdrew its dissent, the church adhered to the parish by an affirmative vote of 21, being a majority of two of the voting membership.

The Court decided the question of the identity of the church, upon other grounds. Of the deacons of the church, one voted for the candidate of the parish, but, after his settlement, in a communication "to the first church," resigned. The two others voted against the settlement: of these, one died a fortnight after the ordination, and the other, "ceasing to be connected in worship and ordinances," was removed by the church adhering to the parish. The same body appointed Dea. Eliphalet Baker and Dea. Luther Richards, to fill the vacancies. By the law of 1754, the property of a church held for religious purposes, in this parish considerable, with the records and documents relating thereto, was vested in the deacons, as trustees. The former deacon refused to recognize the authority by which he had been deposed, or to surrender the property which he held in trust. The newly appointed deacons brought a suit in court for the possession of this property. It became necessary to consider whether the claimants were lawfully appointed deacons of the first church, and hence whether the body by which they had been appointed was lawfully the first church.

The Court held, that, however churches originally organized without specific parochial relations may exist independently, a church which has grown up within a territorial parish, with

recognized parochial relations, cannot separate itself, nor be separated, from the parish to which at its origin it was organically attached. The existence of churches independently organized "does not tend to show that a church which had existed within a parish, and, as such, has had the custody and the disposition of property for parish purposes, can disunite itself from the parish, and retain, nevertheless, the property, and dispose of it to other uses, or to similar uses in another parish. If all the members of a church so situated should withdraw, leaving not even the deacons, nor members enough to elect them, it might be necessary perhaps to apply to the legislature in the absence of a court of chancery, to appoint some new trustee of the property, until a new church should be organized within the parish. But where members enough are left to execute the objects for which a church is gathered, choose deacons, etc., no legal change has taken place;—the body remains,—and the secession of a majority of the members would have no other effect than a temporary absence would have upon a meeting which had been regularly called."

"In whatever light ecclesiastical councils or persons may consider the question, it appears to us clear from the constitution and laws of the land, and from judicial decisions, that the body which is to be considered the first church in Dedham, must be the church of the first parish in that town, as to all questions of property which depend upon that relation." The Court therefore further held, "*that the members of the church who withdrew from the parish ceased to be the first church in Dedham, and that all the rights and duties of that body relative to property entrusted to it, devolved upon those members who remained with, and adhered to, the parish.*"[1]

[1] Massachusetts Reports, Vol. XVI., pp. 502–507.

PASTORS OF THE FIRST CHURCH.

Rev. JOHN ALLIN. Ordained April 24, 1639. Died August 26, 1671.

Rev. WILLIAM ADAMS. Ordained December 3, 1673. Died August 17, 1685.

Rev. JOSEPH BELCHER. Ordained November 29, 1693. Died April 27, 1723.

Rev. SAMUEL DEXTER. Ordained May 6, 1724. Died January 29, 1755.

Rev. JASON HAVEN. Ordained February 5, 1756. Died May 17, 1803.

Rev. JOSHUA BATES, D. D. Ordained March 16, 1803. Resigned February 20, 1818.

Rev. ALVAN LAMSON, D. D. Ordained October 29, 1818. Resigned October 29, 1860.

Rev. BENJAMIN HOLLOWAY BAILEY. Ordained March 14, 1861. Resigned October 13, 1867.

Rev. GEORGE MCKEAN FOLSOM. Installed March 31, 1869. Resigned July 1, 1875.

Rev. SETH CURTIS BEACH. Installed December 29, 1875.

Rev. JOHN ALLIN.[1]

Rev. John Allin was born in England in 1596, and, according to Cotton Mather, was a preacher before he quitted England. Neal speaks of him as one of those who were "already in orders in the Church of England; but being disturbed by the ecclesiastical courts for the cause of nonconformity, transplanted themselves to New England." He went on board the ship which was to convey him hither in disguise, to elude pursuit; but having "passed land," as is related, he with a fellow-passenger, John Fisk, afterwards settled at Chelmsford, who had fled under similar circumstances, "entertained the company with two sermons every day, besides other agreeable devotions;" thus giving occasion for the remark of one of the passengers, who, on being called to account for diverting himself with hook and line on the Lord's day, very innocently, or very archly, remarked that he "did not know when the Lord's day was; he thought every day was a Sabbath day, for they did nothing but pray and preach all the week long." Mr. Allin arrived in 1637, and became, the same summer, an inhabitant of Dedham. His influence in the civil affairs of the town must have been decidedly felt, and he was the principal agent in the religious organization. He became pastor of the church, April 24, 1639, and in the discharge of the duties of his office was faithful and assiduous. He was from disposition averse to controversy, but his singular candor and amenity of temper, no less than his ingenuity and learning, caused him to be

[1] The sketches of his predecessors are mainly compiled from the Historical Discourses of Dr. Lamson.

solicited to take part in discussions of an exciting nature and deeply affecting the public mind.

When it became necessary, in 1646, to defend the colonists against the attempt to bring them into subjection to the British Parliament, the magistrates having first delivered their opinion, the elders were requested to declare their sentiments, and Mr. Allin of Dedham was selected as their organ for this purpose. He presented the opinions of the elders in writing. The paper was worthy of the time and occasion. In 1637, appeared "a letter of many ministers in Old England requesting the judgment of their brethren in New England concerning Nine Positions," in respect to which the N. E. clergy were represented as having embraced opinions at variance with those professed by them before their embarkation. An answer was returned in which, to some extent, a change of sentiments was acknowledged; for which, however, it was maintained, there seemed to be good reason. Churches, it was said, "had still need to grow from defects to purity, and from reformation to reformation, age after age." A "reply made unto said answer" followed in behalf of the "ministers in Old England." To this second letter of the English clergy, Rev. John Allin of Dedham, with the assistance of Rev. Thos. Shepard of Cambridge, was employed to prepare in answer a "Defense of Nine Questions or Positions," as maintained by N. E. clergy. The work was long regarded as an authority.

In 1648, Mr. Allin was invited to preach before the Synod of Cambridge, "which gave birth to the well-known Platform." In his journal, Gov. Winthrop says the author handled his subject, both as regards its 'doctrines and applications,' in a 'godly and learned' manner, with a discovery and refutation of such errors, objections, and scruples, as had been raised by some young heads in the country."

In the controversies of his day, Mr. Allin ranged himself with the party of progress, and often at its head. The question, who were the proper subjects of baptism, involving, at that time, political rights even more, perhaps, than religious hopes, was debated by that generation with great eagerness. The stricter party contended that only members of churches in full communion were entitled to have their children baptised. The other was in favor of allowing greater latitude of the subject. The more liberal view was adopted by the Synod of 1662, and defended by Mr. Allin in reply to an attack from Pres. Chauncy of Harvard College. To Chauncy's objection, that, according to the views of the Synod, "God's covenant would be entailed to a thousand generations," Allin replies, "what hurt in that? Blessed be his name for it."

In 1667, the first church in Boston invited Rev. John Davenport, a champion of the stricter views, to become pastor. "Seventeen ministers,—in the list of whom we find several names of greatest note in the colony, and at the head of which stands that of John Allin,—bore public testimony against it." This action having been the occasion of misrepresentation, a "petition" was drawn up by the protesting clergy, "repelling the charge of innovation and apostasy," and professing "that they still adhered to the safe and sober principles of the congregational way. Among the names of these petitioners, too, that of John Allin of Dedham stands first. The petition in fact but re-asserted the doctrine he had maintained in his defence of the Synod."

Mr. Allin, says Dr. Lamson, "possessed a vigorous, acute, and discriminating understanding; and for the age and the circumstances in which he was placed, he wrote well.—He lived at a time when the affairs of the Colony required men of active habits as well as patient thought, and he shrank

from no duty which the exigencies of the times imposed.—To his other qualities, he added uncommon amenity of disposition, modesty, and gentleness.—No acerbity of feeling discloses itself in any portion of his controversial writings, but good humor, fairness, Christian courtesy and a honied sweetness, are everywhere visible, even when he deals his hardest blows against the arguments of his adversary. A rare example of moderation in that, or in any age."

In 1653, Mr. Allin married for his second wife the widow of Gov. Thos. Dudley, and mother of Gov. Joseph Dudley. At the time of the marriage, Joseph was six years old. "He was carefully educated under the care of Mr. Allin, and was graduated at Harvard College in 1665."

"Mr. Allin died on the 26th Aug., 1671, at the age of seventy-five. His 'beloved wife Katherine,' as he calls her in his records, died three days after, and they were both buried in the same grave."

The spot where Mr. Allin was buried has been identified, and a marble monument was erected over his remains in 1854, under the inspiration of Dr. Lamson. At its erection, the names of Mr. Allin's successors then deceased were inscribed upon the monument. Dr. Lamson's has since been added.

Rev. WILLIAM ADAMS.

Rev. Wm. Adams, son of Wm. Adams of Ipswich, was born May 27, 1650. A diary, "which leads us forward day by day slowly but agreeably through the most interesting portion of his earthly career," was published in 1852, among the collections of the Mass. Hist. Soc., in a "Memoir of the Rev. Wm. Adams of Dedham, and of [his son] the Rev. Eliphalet Adams of N. London, Conn."

In 1667, he applied for admission to Harvard College; but, for want of pecuniary means, he failed of being received. An uncle returned with him in September, by whose aid, apparently, the pecuniary difficulty was overcome, and Mr. Adams was admitted. He graduated the 8th of Aug., 1671. On the 26th of the same month Mr. Allin of Dedham died; and Mr. Adams seems to have been by common consent fixed upon as his successor. After urgent solicitations, he consented to preach in Dedham one Sunday, which he did on the 18th of February. On the 28th, he received a call from the church "to come to them in order to future settlement." But Mr. Adams "did not find his mind inclined to take upon himself, at present, that work." A "positive answer" being demanded, he told the "Dedham men," in April, that he dared not "adventure upon the work." In August, however, he preached again at Dedham, and, in September, received a second call. In the following month, he received a third call, which he so far accepted as to remove "from Cambridge to Dedham, to the solemn undertaking of the ministry there, on *trial.*"

In October, he received and accepted "an actual call to office," and "was ordained pastor of the church of Christ in Dedham," Dec. 3, 1673, "Elder Hunting and Deacon Aldis joining in laying of hands."

On the 21st of Oct., 1674, he was married to Mary Manning of Cambridge. He lost his wife the 24th of June, 1679; and, on the 27th of March following, was married to Alice Bradford, 'daughter of Major Wm. Bradford of Plymouth.' The children of the first Mrs. Adams were Mary, Eliphalet, and William. Eliphalet was graduated at Harvard College in 1694, and settled in the ministry in New London, Conn., Feb. 9, 1708-9; and died in 1753.

The children of the second Mrs. Adams were Elizabeth, Alice, William, and Abiel. Elizabeth married the Rev. Samuel Whiting of Windham, Conn., when only fifteen and a half years of age. Alice married the Rev. Nat'l Collins of Enfield, Mass. Abiel married the Rev. Joseph Metcalf* of Falmouth, Mass., and became the mother of eleven daughters, nine of whom married. "Mr. Adams enjoyed" what Dr. Lamson calls "a brief ministry here of only twelve years."

He published two sermons: one delivered in his own pulpit, Nov. 21, 1678, on a day of General Fasting, upon "the necessity of the pouring out of the spirit from on high upon a sinning, apostatizing people set under judgment in order to their merciful deliverance and salvation;" the other an election sermon delivered "in the audience of the General Assembly of the Mass. Colony, at Boston, in New England,—showing that true poverty and contrition of spirit and trembling at God's word, is the infallible and only way for the

* Son of Dea. JONATHAN METCALF, of Dedham.

obtaining and retaining of divine acceptance." Both sermons are reprinted in "Dedham Pulpit."

The discourses breathe throughout a serious, devout, and a fervent spirit; are eminently practical; and though written in the quaint manner of the day, are written in a clear and correct style. Altogether, Dr. Lamson adds, there is reason to think that the town possessed in Mr. Adams a worthy pastor, who only wanted a longer ministry in order to hold an eminent rank among his contemporaries and brethren, according to the standard of the age. He began, a little more than two years before his death, an exposition of the first epistle of Paul to Timothy, which he did not live to finish. His commentary is exceedingly elaborate and minute, and though it proceeded no further than the tenth verse of the first chapter, covers sixty-three quarto pages in Mr. Adams's peculiarly small and compact hand.

He died on the 17th of August, 1685, in the thirty-sixth year of his age.

"To keep as far as possible from Roman-Catholic usages, our Puritan ancestors avoided prayers at funerals. One was offered, it seems, at the funeral of Mr. Adams; which was among the earliest, if not the earliest, of which we have any authentic record in New England history."

REV. JOSEPH BELCHER.

It is to be regretted that Rev. Samuel Dexter, in his centennial sermon, did not give a more adequate sketch of his immediate predecessor. He says only that after Rev. Wm. Adams's "decease, this church was destitute and in a broken state for eight years, when, to their great joy, the Repairer of breaches supplied the vacancy with a pastor (we trust) after his own heart, in the Rev. Mr. Joseph Belcher, who was ordained to the pastoral office in this place on Nov. 29th, in the year 1693, and was made a great blessing to this people, in whose light they rejoiced till April 27th, 1723, when he was not suffered to continue any longer by reason of death. He lived much desired, and died greatly lamented, in the fifty-third year of his age, and in the thirtieth of his pastorate;" in the fifty-fifth year of his age according to the Genealogical Register.[1] He was the son of Joseph and Rebecca (Gill) Belcher, and was born in Milton, May 14, 1668. His grandfather, John Gill, with whom he resided, provided by will that the boy should be kept at school until fourteen, and then apprenticed to a trade. His grandmother, who was charged with the execution of this thrifty purpose, died in 1683, leaving him, at the age of fifteen, heir to a large estate including "the best part of Milton Hill." He now relinquished the idea of a trade, prepared for college, and graduated at Harvard, in 1690. After a period of three years, spent perhaps in professional preparation, he was settled at Dedham. He married Abigail Thompson, daughter of Benjamin Thompson of Rox-

[1] Dr. LAMSON.

bury, "a teacher of some celebrity in his day." They had six children: of these, Mary married Dr. Joseph Richards of Dedham, and was the mother of Mrs. Lucy, wife of Deacon Ichabod Gay of the West Parish, from whom has descended the "well-executed portrait of Mr. Belcher" now in possession of the first church. The church is directly indebted for this valuable relic to the widow of Col. Wm. Gay, by whom it was presented in 1839, on condition that it "be put in order and preserved in some suitable place under the care and direction of the said first church in Dedham." Rebecca, second daughter of Mr. Belcher, married Rev. Thomas Walter of Roxbury. His eldest son, Joseph, graduated at Harvard, in 1717, and taught a school for several years at Dedham. Mr. Belcher died in Roxbury and was buried in Dedham, though his grave, like that of Mr. Adams, cannot now be identified. His children, except Mrs. Richards, removed to the old estate in Milton.

Mr. Belcher's printed sermons, says Dr. Lamson, possess different degrees of merit. They are all, however, written in a devout spirit, and though like those of his predecessor, a little quaint at times, are marked by good sense and vigorous thought. Five of his sermons have come down to us, and may be found in the "Dedham Pulpit;" one delivered in Boston on the day for the election of officers in the artillery company, prefaced by Cotton Mather, 1698; another, also in Boston, before "the Great and General Assembly of the Province of Massachusetts Bay," on the day for the election of Counsellors, 1701; two sermons preached in Dedham, for "Young Persons," and the "Rising Generation;" and an ordination sermon, preached at Bristol, at the settlement of Nathaniel Cotton, 1721, prefaced by Increase Mather. The consideration in which Mr. Belcher was held by his profes-

sional brethren may be inferred from the following passages of a sermon delivered at a Thursday lecture in Boston, in 1723, by Cotton Mather. Mather calls him "the-never-to-be-forgotten Joseph Belcher," and says "we have had an excellent preacher of a walk with God, who was an excellent pattern of what he preached unto us; God has newly taken to himself one who walked with him; one who lived what he spoke; who did what he taught, and was a walker in the path of the righteous, as well as a preacher of righteousness. . . . . Among the articles of his piety, very conspicuous, was the well-governed speech, and the management of the helm, with which he very much prevented what, in the computation of the ancients, makes half the sins of our lives. He spoke so little, and what he spoke had such a guard upon it, and he had such an evident aversion for evil speaking, generally choosing to speak nothing of them who could not have much good spoken of them, that I may truly say, to speak with the tongue of men and angels (men possessed by angels) were not a glory equal with that of having a tongue under such an holy regulation. A gentlemanly temper and carriage, with a sweetness of disposition which was a varnish upon those virtues in him, added yet more lustre unto them."

"Considered as a preacher, he was greatly admired and followed,—and yet with what a modest and what a humble self-diffidence did he decline all public appearances, but what he was in some sort compelled to."

"Considered as a pastor, how faithfully, how painfully, how patiently did he feed the flock, whereof he was overseer! With what self-denial did he adhere to them under strong temptations to have embraced greater opportunities! One would think it impossible for any one mouth to open against a shepherd of so much goodness!"

Rev. SAMUEL DEXTER.

Rev. Samuel Dexter was born in Malden, Oct. 23d, 1700, and graduated at Harvard in 1720. After leaving college, he taught school six months in Taunton, one year in Lynn, and a short time in his native town. He preached his first sermon Oct. 15, 1722. For the work of the ministry, or for any laborious calling, Mr. Dexter was heavily weighted. His health was delicate, his modesty was extreme; and, partly from these causes, no doubt, his temper was despondent. "This is so much my natural disposition," he says, "that it makes my life very weary." He was, however, an acceptable candidate. The following spring he received a call to settle in Brimfield, which was followed before the end of October by two from Medford, one from Westboro', one from Yarmouth, and one from Dedham; a remarkable succession for a young man of twenty-three. To him, the acceptance he met with was quite unintelligible. "It is a great wonder to me," he writes, "that people do in any way like my performances, —they are so mean and poor,—I am less than the least of the candidates, yet the Lord does so smile upon me." He was invited to preach in Charlestown, but, for a characteristic reason, declined: "It is contrary to my disposition. I abundantly rather choose retiredness, and, if I might be my own carver, an assembly in the country, though small, would more gratify me."

After a suspense of six weeks, a committee from Dedham called upon him to request an answer. He "put them off for that time." With another week of consideration, he prepared his letter of acceptance, and a week later it was

communicated. His ordination took place May 6, 1724. Dedham, then a single parish in which was orginally included Medfield, Wrentham, Needham, and Bellingham, at the date of Mr. Dexter's settlement, embraced within its extended limits, Dover, Natick, Norwood, Walpole, and other adjacent territory. In this vast parish, not so much in the country as in the wilderness, Mr. Dexter found all the disadvantages, the absence of which had made Charlestown, "contrary to his disposition." "He was here," says Mr. Worthington, "in what may be called the dark age of the town. His people were much scattered in the woods, badly educated, and strongly inclined to religious contention. The formation of new parishes, too, which happened in his time, would naturally create some disputes. A large share of conversation, and great attention by all classes, was then directed to subjects of religion. So far, his relation to his people would be more pleasant, and would, perhaps, in the opinion of a pious clergyman, contribute much to his happiness. But then,—when there is more zeal than knowledge, when the most active and restless minds in the society find no other subjects for discussion but theology, and no occasion for public meetings but those of the church, for the purpose of discipline,—then does the situation of the minister become perilous. This was Mr. Dexter's case. Very soon after his ordination, church meetings became frequent for the correction of disorderly members. These resulted in an ecclesiastical council, in July, 1725. . . . . The neighboring towns were, it appears, in a similar situation; and Mr. Dexter was invited to attend at Milton and at Braintree, to assist in councils in those places convened for the purpose of healing difficulties. . . . . With these dissensions, Mr. Dexter was painfully affected; but the latter part of his ministry was calm and

quiet. He was greatly respected by all, was deemed a very able man to advise other churches in difficulty, and was much employed in that way."

Scarcely had his acceptance of the call been communicated, when he has reason to regret his decision, and is tempted to give up, and quit the ministry forever. He had followed or accompanied his acceptance; and the day after it was communicated, he writes, "several of my friends came to see me, and one Rab-shakeh to revile me." The lay reader will find this significant allusion in the eighteenth chapter of Second Kings. His marriage, which took place Oct. 23, 1724, five months after his settlement, threw a momentary illusion over the scene. "I have been ordained pastor of a church, and I have married a wife. The lines have fallen to me in a pleasant place for situation, though the people are not so easy and agreeable as might be wished for, but they are better than I deserve, and my companion is a kind, tender, and virtuous person. I hope I have in her that good thing which is from the Lord." So, says Dr. Lamson, she proved. Her maiden name was Catherine Mears; she was the daughter of Samuel Mears of Roxbury. The people, who at the time of his marriage were "not so easy and agreeable as might be wished for," became, a few months later, "unreasonable men," as he may say "without any breach of charity. Their actions are so extraordinary that they seem to be under a hellish impetus, when all the while they charge it upon conscience." "He was," says Dr. Lamson, "in the habit of frequently observing days of private fasting and prayer, on which he practised rigid self-scrutiny, for he was always a severe judge of himself. The topics previously marked out to be made subjects of prayer on those days, are in many instances recorded, and among the rest, we find the 'shocking troubles' he met with,

by "reason of the difficulties which prevailed in the church and the town." These form the burden of many a heavy line, altogether presenting so sad a picture of the religious and social condition of the community, that our only marvel is, not that his feelings were not always calm, but, if there be no exaggeration in the case, how life, passed in such a state of ferment, could have been endurable. . . . That Mr. Dexter was not always prudent, is very possible; but the difficulties which he encountered "were very few of them, I believe, of a personal nature, though some of them, perhaps, might have been."

No small amount of the troubles of this period, arose from 'the desire, very reasonable in itself,' of several inhabitants in the southerly and westerly parts of the town to form a separate precinct, and the reluctance, very natural, if not reasonable, on the part of the church, 'to dismiss its members to form a new church by its side. It finally submitted to a necessity it could not control, and the waters of strife subsided.' After a distracted period of six years, Mr. Dexter lived to enjoy a peaceful ministry of twenty-five. Financial difficulties were 'constantly recurring through the whole of Mr. Dexter's ministry. Unquestionably he at times suffered greatly from the depreciation of the currency. To this subject I find no allusion in his diary.'

Tradition attributes to Mr. Dexter a strongly Calvinistic bias,[1] which is not inconsistent with his melancholy temperament; but two notable acts of ecclesiastical liberality distinguished his ministry. One was the voluntary remission of the parochial taxes of several persons on the ground that they carried on the worship of God in the way of the established church of England; the other was the abandonment

[1] WORTHINGTON.

by the church of its claim to a public "relation" on the part of candidates for membership. Mr. Dexter published but two sermons, one in 1727, upon the death, by accident, of Timothy Metcalf, and the other in 1738, upon the first centennial of the church.

"Mr. Dexter's sermons were written in a serious and practical style, without any attempt at ornament or fine writing. He had little imagination or eloquence; he addressed chiefly the understanding, but there was a warmth, a fervor, a truth in his piety, which united with good sense, so pervaded all his performances, that, while the intellect was awakened, the heart could hardly remain cold."

Mr. Dexter recorded in his Journal the birth of eleven children, seven sons and four daughters. One of his sons was Hon. Samuel Dexter, Sen., an important character during the period immediately preceding the Revolution, founder of the Dexter Professorship of Biblical Criticism at Harvard, and father of Samuel Dexter, Jun., the "celebrated advocate and civilian." A daughter of Mr. Dexter married his successor, the Rev. Jason Haven. Mrs. Dexter survived her husband nearly half a century. She married Samuel Barnard of Salem, after whose decease she returned to finish her days in Dedham, where she continued to live universally beloved and respected, and enjoyed a tranquil and happy old age, dying at the age of ninety-five.

Rev. JASON HAVEN.

Rev. Jason Haven was the son of Deacon Moses Haven of Framingham, and was born in that town March 2d, 1733. He graduated at Harvard College in 1754, and was called to Dedham, apparently in 1755, by a very large majority, though not without the opposition of a very influential if small minority. A serious misunderstanding arose, involving Mr. Haven's veracity concerning a pulpit supply, whom for some reason Mr. Haven did not send as expected, and it seems plainly to have been alleged that the means employed to secure for Mr. Haven his decisive majority had not been entirely straightforward and regular. The pastor-elect had the infelicity of being obliged, before his settlement, to unite with his church in calling a mutual council, to consider questions of mutual difference. The council or arbitrators met "in the public meeting house" Jan. 19, 1756, and after a patient hearing, decided "that there was a seeming, though we charitably think not a designed, contradiction in Mr. Haven's" statement concerning the matter in controversy; that "if he can with a good conscience," he should ask of the aggrieved parties "Christian charity and forgiveness; and upon his doing this, we advise all that may be dissatisfied to be easy with him." They did "not find that any unchristian methods were taken to over-persuade persons to give their vote for Mr. Haven," and upon the whole, they advised "this church of Christ, since God had so generally united them, to abide by their choice of Mr. Haven to be their pastor, and to proceed in due season to his solemn ordination." Pursuant to this advice, an ordaining council was assembled on the fourth

of February, and after a re-hearing of the subjects of complaint, on the fifth proceeded with the ordination. Forty years later, Mr. Haven was able to say of his early opponents, that "after a little time, he had the satisfaction of numbering them all among his kind, affectionate, and confidential friends; and such they all continued to the close of their lives." In November following his ordination, Mr. Haven married Catherine Dexter, daughter of his immediate predecessor. The house, originally the residence of Rev. Joseph Belcher, then of Rev. Samuel Dexter, "and afterwards owned and occupied by the Rev. Jason Haven, was standing," says Dr. Lamson, "when I came to Dedham, nearly on the site now occupied by the new meeting-house [Orthodox,] but not so far from the street." Notwithstanding the long pastorate of Mr. Haven, the longest in the history of this church, he appears to have been an invalid during the entire period of his professional life. In a sermon preached in 1796, on the fortieth anniversary of his settlement, he states, that, "soon after his entering on the work, he was visited with such bodily infirmities as led him to expect his life and labors would be short,—after about eighteen years feebly yet pleasantly spent in the service of his people, God was pleased to visit him with a threatening fever, on account of which a day of fasting and prayer was observed. During about seventeen years after this, he was not absent from public worship more than two Sabbaths, excepting the time when he had the small-pox, which detained him three. Frequently, however, in that term of seventeen years, has he come into this house of worship weak and trembling, when it appeared to him hardly possible that, without special help from above, he should go through the services of the day. About five years ago, he was visited with a slow fever, which detained him from the house of God for five Sabbaths.

Since that time, he hath every Lord's day attended the services of the sanctuary."

Notwithstanding these physical disabilities, Mr. Haven attained an honorable position in his profession. He was frequently called upon to preach upon public occasions, and sermons are extant, which he delivered in Boston, at the election of officers in the Artillery Company in 1761; in North Yarmouth, at the ordination of Rev. Edward Brooks in 1764; before the Governor, Lieut. Governor, his Majesty's Council, and the Hon. House of Representatives in 1769; in Brookfield, at the ordination of Rev. Ephraim Ward in 1771; in Dorchester, at the ordination of Rev. Moses Everett in 1774; in Stoughton, at the funeral of Rev. Samuel Dunbar in 1783; in Needham, at the ordination of Rev. Stephen Palmer in 1792. Four sermons of a more private or local character, including that upon his fortieth anniversary, may also be found in "Dedham Pulpit." The war of the Revolution occurred near the middle of Mr. Haven's pastorate,—an event which he says, "hath given or confirmed to us civil and religious privileges, equal, perhaps superior, to those enjoyed in any part of the world." Mr. Haven was a member of the convention for forming the constitution of the Commonwealth. Besides his private and professional occupations, Mr. Haven received students into his family, some to fit for college, and others to prepare for the ministry.[1] It was, perhaps, a reward for his services to education, that he was able to say at the end of forty years, "fourteen young men, within the period we are retrospecting, received an education at the University of Cambridge." Two memorable events in the history of the

[1] *E.g.:* Stephen Palmer, (Rev.) to fit for college, 1784, and Isaac Braman, (Rev.) in Theology, 1795. Clark's History of Norton, pp. 489-90.

First Church occurred during the pastorate of Mr. Haven, one, the erection of the present meeting-house in 1762, near the beginning, and the other, the re-statement of the covenant in terms of the largest possible Christian liberality, near the close of his ministry, in 1793. From statements of contemporaries, from his published sermons, and from traditions of the place, Dr. Lamson says of Mr. Haven, "in the general style of his preaching, I should suppose him to have been eminently practical, writing with plain good sense, presenting rational views of the doctrines and precepts of christianity, neither perplexing his hearers by metaphysical subtleties, nor bewildering minds by conducting them in the mazy paths of theological controversy. . . . . His people were sensible of his worth; he enjoyed their confidence, and carried their affection with him to his grave."

He died May 17, 1803, in the 47th year of his ministry. The records of the church show the baptism of four children of Mr. Haven. Of these, Catherine married Rev. Stephen Palmer of Needham; Samuel graduated at Harvard College, practised law in Dedham, was Register of Probate (1793 to 1833,) and Chief Justice of the Court of Common Pleas, (1802-1811.)

Rev. Jason Haven "left by will thirty dollars for the establishment, provided the same sum should be contributed in addition, of a parish library, to consist of works on religious subjects, 'books of warm and bitter controversy being excluded.' The plan and regulations of the library were adopted at a meeting of the parish August 27, 1804, and the library is open to all the members of the first parish." It contains about five hundred volumes.

JOSHUA BATES, D. D.

Joshua Bates, a scholar and divine, made Doctor of Divinity by Yale College in 1818, was born in Cohasset, Mass., March 20, 1776, and died in Dudley, Mass., January 14, 1854. He graduated at Harvard University in 1800. He was descended from Clement Bates, who was born in England in 1592, came to America about 1636, settled at Hingham, and died in 1671. The son of a farmer of limited means, he toiled on a farm until he was seventeen. On leaving Harvard, he became an assistant in Phillips Academy, pursuing a course of theological studies at the same time. He was ordained pastor[1] of the Congregational Church in Dedham March 16, 1803, where he labored successfully until March, 1818. He was president of Middlebury College from 1818 until 1839. He was subsequently chaplain during one session of the United States Senate; and was installed pastor of a church in Dudley, March 22, 1843. He was a member of the American Academy of Arts and Sciences. He published "Reminiscences of Rev. John Codman;" two sermons on Intemperance, 1813; a volume of Sermons; Inaugural Address, 1818; Anniversary Discourse at Dudley, 1853; and Sermons and Discourses.—*Drake's Dictionary of American Biography.*

[1] Associate Pastor till death of Mr. Haven, May 17, 1803.

ALVAN LAMSON, D.D.

Alvan Lamson was born at Weston, Mass., November 18, 1792. Weston was also the birthplace of his grandfather, John Lamson, (1724,) and his father, John Lamson, (1760.)

John Lamson, the father of Alvan Lamson, was a farmer, and Alvan worked on the farm till he left home to attend the academy at Andover. In his boyhood, while he enjoyed play like other boys, he was also fond of reading and study. At the district school, he "was very exemplary in his conduct and ranked high as a scholar." One who knew him then, says, "we thought everything Alvan Lamson said or did was perfectly right, and we were all proud of him as a scholar."

His natural tastes seem to have led him to think of going to college, and becoming a clergyman. "He used to say when quite a small boy that he would be a minister," and this intention he carried into his college life, looking forward to what then seemed to be a high distinction in the future, which, however, some of his friends did not anticipate for him. "He said, when in college," his sister relates, "that he meant to be a Doctor of Divinity, but I told him I guessed he would not." From his father's farm, after attending the district school, and being for some time under the instruction of Dr. Kendall, the clergyman at Weston, he went to Phillips Academy, Andover. While there he worked for his board, the tuition being free to all who intended to study divinity.

He entered Harvard College in 1810. Here, also, it was necessary for him to depend on his own exertions, to a considerable extent, for his subsistence. For a part of the time, he kept school in winter; besides this, he acted as monitor,

receiving some pecuniary compensation. He also did what, it seems, was then common,—attended on a mess in Commons Hall, for which he had his own board free. His father "paid but $250 for his college expenses, besides furnishing him with wood." His habits in college were studious and retiring, as in after life. A classmate says, "he was a member, I believe, of all the literary clubs in college, but abjured all those of a convivial character."

The class of 1814, of which he was a member, included several who afterwards stood high in their several departments. There were James Walker, afterwards professor and president of the college,—Pliny Merrick, subsequently Judge of the Supreme Court of Massachusetts,—W. H. Prescott, the historian,—Benj. A. Gould, who left before graduating to take charge of the Boston Latin School; and other well-known names. In his class, Dr. Lamson took a high rank in the beginning, and maintained it to the close. The classmate before quoted says, "I do not believe he ever slighted a lesson, and I am very sure he never made a slovenly recitation," and "I think he was one of the very best writers in the class, and I am strengthened in that belief by the fact of his having been selected to deliver the eulogy on Sewall."[1]

For two years after graduating, he was a tutor in Bowdoin College. He then entered the Divinity School at Cambridge, appearing in the catalogue as a member of the first class which graduated from the school, (1817.) In 1818, Dr. Lamson was invited to become the pastor of the first church and parish in Dedham, and, after some hesitation, decided to accept, thus entering on the work which was to continue almost to the end of his life.

[1] A member of the class, who died in the last year of the college course.

It does not seem desirable here to enter into any
tailed account of the disagreement and contests which
tended his settlement. They have been told more t
once, and all that the reader will care to learn of them
be found in another part of this volume. It is enough
say here, that though the disagreement was most serious,
the contest was fought out to the end, it does not appear t
there was any objection to Dr. Lamson personally, or
assertion that he was not fully competent and suitable
ability, acquirements, and character. The differences betw
the opposing parties were as to religious doctrines and o
ions, and the respective rights of the parties. Undoubte
Dr. Lamson was, at least, as well fitted as any other wo
have been, to reconcile differences and restore harmo
Though not disposed to give up what he regarded as
rights of the church and parish over which he was settled,
was never inclined to excite or encourage contention, and
the course of his ministry, the ill-feeling which marked
beginning, substantially passed away.

It may be easily understood that Dr. Lamson's life, af
his settlement, could have no very marked or startling i
dents; and its history may be told in a very few pages, thou
in its living it probably involved as much labor, wearine
and discouragement as a more exciting one, while it had
as much stimulus. Dedham, at the time of his settleme
was simply a country town. Its present inhabitants, exc
a few of the older residents who can look back nearly si
years, have little idea of it as it then was, and do not feel h
far it then appeared from places which now seem very ne
A visit to Boston, to attend the "Thursday Lecture" or m
his brother clergymen, or to Cambridge, to be present at
college anniversaries or get books from the college libra

was the work of a day almost. One who had his studies and parochial duties to occupy him, could not often find time for such absences from home. So it was with Dr. Lamson. He devoted himself to the duties which seemed to lie around him, trying to perform them according to his ability and strength, and found in them full employment.

First were his parish duties,—and to them he gave himself earnestly. He attached much importance and gave much time to his sermons, which were entirely written, as he never preached extemporaneously. He was a careful and particular writer, and was not willing to compose hastily. A large part of Friday and Saturday, in general, he felt must be reserved mainly for preparation for the Sunday service, unavoidable interruptions, however, often interfering, and the writing frequently lasting well into the night. "I suppose," writes Dr. Gannett, "that may be said of him, which can be said of very few, that he never carried into the pulpit a discourse which he had not carefully prepared. In this respect, he became an example to his brethren;"[1] and Dr. Lamson himself, speaking to his people, says, "I have wished to bring you the fruit of my maturest thought; being unwilling to lay a crude offering, or one which cost nothing and was worth nothing, on the altar."[2]

When the preacher desires always to do his best, or even only always to do well, the writing of sermons will generally be laborious, and will be likely to become more so from year to year. His hearers come Sunday after Sunday, some perhaps listless and indifferent, going to the church as they would visit a the-

[1] A Discourse delivered in Dedham July 31, 1864.

[2] Sermon preached Oct. 31, 1858, the Sunday after the Fortieth Anniversary of his ordination. pp, 9, 10.

atre,—to be entertained,—and all desiring to be intereste and aroused. He must seek always to say something that wi fix the attention of all, and have an effect on all. This is h duty; for this he preaches. But he will be apt to find continually more and more difficult. After a time, the feelir will come that it is very hard to say anything which has n already been said, or to select subjects which have not alreac been discussed,—and the stronger the desire to do well, tl stronger will be this feeling. So sermon-writing, to one wh regards it as a very important part of his duty, will be labor ous and wearing, and so it was that Dr. Lamson found draw largely on his time and strength. He thus describ what seems to have been a frequent experience with hir "The week is begun with thinking what shall be said ne Sunday, what theme shall be chosen, what topic shall l treated. The first day passes, and the next, and the ne perhaps, and nothing comes up. This topic has been treate and that, and that. What can be thought of which is fres and new,—that is fitted to stir the soul? One subject is tc trite; another, too dry; and of a third, nothing satisfacto can, at the time, be made. The week is near its end, ar nothing has been done. The minister is in agony, almost despair; but the sermon must be forthcoming. At last, whe invention has been long on the rack, a thought suggests itse or a gleam of light appears, he does not know how; and tl pen begins to move, and the discourse is ready by the a pointed hour. No one, who hears it, suspects what wear ar tear of nerves it has cost. It seems a small affair, requirir no more effort than the turning of a furrow in the field. Tl delivery of it under these circumstances, followed by anoth in the afternoon, leaves the preacher, if he be of a delica constitution, more dead than alive. Sunday passed, endi

in fatigue, exhaustion, and a feverish pulse, Monday comes; and the same process is gone through, week after week, and year after year."[1]

There were the other parish duties to be attended to, also. The ordinary round of parish visits, even if he was not able to satisfy the expectations of all parishioners, took up much time. Some of the members of his parish lived at a considerable distance from his residence, and a single call might break up a whole afternoon. How trying he found visits to families mourning the loss of friends, or to persons suffering from severe affliction of any kind, may be best understood from his own language:

"It is one of the trials of the minister," he says, "one which weighs upon the spirit, and taxes his sensibility to the utmost,—that he is called to witness sorrow which no words can banish; and he feels the poverty of his best efforts. . . . . He must be a minister of comfort, when he, himself, needs comfort and strength. In a certain sense, he bears the griefs of his people. The burden of them lies on his spirits; and he cannot, if he would, throw it off; he cannot walk on his way with a light heart. How often does a sense of human feebleness come over him, and he is ready to sink!"[2]

Time was to be given to the Sunday School also, which Dr. Lamson regarded as very important, both in the school itself, and at the teachers' meetings. During his ministry, the school grew from its beginning to a state of prosperity. Bible classes were to be attended to and prepared for, sometimes with much labor. The parish and juvenile libraries were to be

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[1] Discourse preached Oct. 28, 1860, on resigning his pastoral charge, p. 13.
[2] Sermon preached Oct. 31, 1858, p. 17.

taken care of; these were much more important in those days than now, when a public library may be looked to for reading, and newspapers and periodicals of different kinds are so much more numerous and accessible. The selection and examination of books for them was for a long time the work of the clergyman, requiring careful consideration.

These were some of the more obvious duties which called for attention; they were met with a desire to perform them carefully, conscientiously, and completely; and so even those of them which seem small when named, assumed something of weight and magnitude in the performance. Besides, there were the demands and calls which cannot be described or enumerated, which Dr. Lamson refers to in his closing address to his people, when, in speaking of the faithful minister, he says, "A great deal of his work, and many of his anxieties, which at times burden and oppress his spirit, are unseen and unknown,—incommunicable. If he has no sensibility, he is not fit for his work, and if he have, he needs a martyr spirit along with it."[1]

From the extracts given above, it may be judged in what spirit Dr. Lamson entered on his parish duties, and endeavored to perform them, and with what weight they sometimes oppressed him. But injustice might be done both to him and his parish, if it should be assumed that the language quoted expressed his whole feeling. It was not so. Dr. Lamson found satisfaction also in his labors, and was strongly attached to the parish.

"I have often felt discouraged," he says, "I have seemed to be producing no effect; but, though desponding at the time, I have occasionally had evidence, long after, that a

[1] Discourse preached Oct. 28, 1860, p. 16.

word or sentiment uttered, and perhaps forgotten, was, in reality, a seed dropped in a fertile soil, where it sprang up in secret, and grew, and bore fruit."[1] And again, "But Providence forsakes not; there is sunlight for him, [the minister] as well as clouds. As the fathers go, he turns to the children, whose love is a precious heritage. Young hearts spring up around him; young and fresh spirits are at his side; and these are the comforters of his age, and his great joy; they inspire his heart with courage, and are the rewarders of his toils; and he blesses God for them."[2]

At the close of his Farewell Discourse,[3] he thus expresses his feelings,—"The future,—the little future which remains to me here below,—is all uncertain; but while a pulse remains, or memory lasts, I cannot forget this place,—this house of prayer; the families I have been with in sorrow and in joy, for so long a period; the kindnesses I have received, and for which I thank you. Nay, rock, tree, and stream, and the very soil I have so often trodden, have become to me as parts of my being."

In addition to what may be called strictly parish duties, others presented themselves which, it seemed, should not be neglected. Dr. Lamson, for a number of years, devoted much time to the public schools in the different districts in the town. The schools were to be visited, the persons applying for appointment as teachers to be examined,—these examinations, for a time, falling entirely to him,—and the other duties of the School Committee to be attended to. Probably no citizen of the town ever took a deeper interest in the

[1] Discourse preached Oct. 28, 1860, p. 9.
[2] Sermon preached Oct. 31, 1858, p. 18.
[3] Discourse preached Oct. 28, 1860.

schools, worked harder to raise their character and standard, or felt more satisfaction at the improvement he saw in them, while a member,—undoubtedly the most active member,—of the committee. The writer of this notice can well remember the feeling with which he sometimes spoke of it. Especially he desired the establishment of a high school in the town; advocated it, and rejoiced when it came,—though his interest in it may hardly be remembered now, when others, who came after him, stand forth so much more prominently in its history.

He felt that there was work to be done, too, for the faith which he held, and the denomination to which he belonged. For Dr. Lamson, while desiring to do no injustice to the belief of others, was yet very firm in his convictions of the truth of his own. He was not so much engaged in the more prominent work of the denomination, especially as a speaker, as many of his contemporaries. His temperament and nature did not impel him to this form of effort, and his situation did not require it of him. He was never a member of the Boston Association, and was not brought into companionship with its members, or others whose names most often appeared in the religious controversies of those days; while his disposition and intellectual character made him a quiet thinker, rather than a man of action; a writer, more than a speaker. But in his own method, he took a share in the contest between the old belief of orthodoxy and the incoming faith of what has been called liberal christianity. In the earlier days of his ministry, doctrinal opinions and differences were thought more important than they now are in this neighborhood, and he engaged, to some extent, in the discussions which arose concerning them, contributing several tracts on

Unitarianism and some of its distinctive doctrines.[1] But he devoted himself more particularly to early church history and an examination of the views of the early Christian writers, comparing their belief, which he thought to be essentially Unitarian, with what seemed to him to be the artificial and erroneous doctrines of a later period. The results of these researches were first presented to the public in a series of articles, continued for some years, in the "Christian Examiner."[2]

"The Church of the First Three Centuries," a volume first published in 1860, was made up of selections from these and other papers, with such additions and changes as were suggested by subsequent examination and reflection. He continued to work on this volume, adding and altering, almost to the end of his life,—an enlarged and revised edition being published after his decease, (in 1865.) These researches required patient investigation, much reading of the early Christian writers and their commentators, in their several languages, and a careful study of the meaning of their words.

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[1] See the list of publications at the end of this notice.

[2] Some of the topics were,—Justin Martyr, and his Opinions; Origin of the Trinity; Clement of Alexandria, and his Times; Conflict of Christianity with Heathenism; Life and Writings of Origen, his Opinions; Progress of the Trinity; Fate of the Origenian Doctrines; Arius, and the Arian Controversy; Conflict of Doctrine; Progress of the Controversy; Council of Nice, and its Creed; Athanasius; Completion of the Trinity; Eusebius, the Historian; Sources of Ecclesiastical History; The Apostles' Creed, its Origin and History; Merits of the Fathers as Expositors; The Apostolical Constitutions; Hymns of the Primitive Church; The Poetical Fathers; Chrysostom, the Great Preacher; Artistic Representations of the Trinity; the Catacombs; Pagan and Christian Inscriptions; Festivals of the Ancient Christians,—Christmas, Easter; Christian Worship and Life in the Early Ages; Uses of Ecclesiastical History.

He was also engaged, at different times, in editing periodicals of the denomination. In 1830, 1831, with Rev. S. Barrett, he edited the "Unitarian Advocate," (vols. 1, 2, 3, 4, new series;) in 1835, with Rev. Geo. Ripley, the "Boston Observer;" and from January, 1844, to May, 1849, with Rev. Dr. Gannett, the "Christian Examiner."

Dr. Lamson had a strong taste for general literature, setting a high value on the classics and the works of the standard English and American authors. He was not averse to works of fiction, and enjoyed the reading of them, though he generally felt that he could not well spare time for their perusal. He took much interest in antiquarian and historical investigations, being a member of the Massachusetts Historical Society and one of the original members of the Dedham Historical Society. The historical discourses delivered by him in his church, from time to time, show thoroughness and exactness of research. His style, both in sermons and other writings, was clear and simple, with not much ornament. He never sacrificed sober thought to brilliancy of language, or aimed at oratorical display. He appealed more to the reason than the feelings, seeking to convince and sometimes to persuade, but never trying to carry away by extravagance of language or rhetoric. But this simple style had force and beauty. "He was a master of the English tongue;" Dr. Gannett says, "and no better models of correct, chaste, yet rich diction could be put into the hands of young writers, than the volumes, (too few, alas!) which he published."

It may be mentioned in this connection, that he was for a number of years a member of the examining Committee in Rhetoric, during the professorship of the late Edward T. Channing, in Harvard College.

It seems not inappropriate to quote here, from the sermon

of Dr. Gannett already referred to, a few passages in which he speaks of Dr. Lamson's scholarship and literary acquirements

"What he knew was not the semblance, but the substance of knowledge. He took nothing on trust or at second-hand, but went to the original authorities. I was often impressed by the care which he showed in ascertaining a fact or verifying a date. He did not think an hour or a morning wasted if he secured himself against repeating an error. As a result of this extreme caution in receiving current statements, and this thoroughness of personal investigation, his writings have a trustworthiness that belongs to very few works in sacred or secular literature. His name has become itself an authority in those branches of ecclesiastical research which he made his special study.

"The quality of which I now speak the more deserves notice, because it did not arise from intellectual integrity alone, but embraced a moral element. His conscientiousness was as strict as it was unaffected. His pen was guided by a severe love of truth. Hence his exhibition of opinions from which he dissented, and his analysis of character, are marked by a justice as rare as it is needful; while, in stating or defending his own belief, he was never led into extravagance, or tempted to use disguise. When Rupp's "History of Religious Denominations"—the best work on the subject which this country has produced—was in course of preparation for the press, Dr. Lamson was requested to write the article on Unitarianism; and both as an exposition of the views held by Unitarians twenty years ago, and as a sketch of the history of the denomination, it is to-day the most authentic statement to which we can refer an inquirer. The article was republished as one of the tracts of the American Unitarian Association..... He was most conversant with the departments of theology

and ecclesiastical history. In acquaintance with the Fathers of the Christian Church, he had probably no superior in this country. In the history of Congregationalism, as held and illustrated by the churches of New England, he was perfectly taught, as was shown on a memorable trial, five years ago the present summer; when, as some of you doubtless remember, he was for three successive days subjected to the closest examination by one of the most acute lawyers in New Hampshire, without being thrown into the least confusion of statement, or impatience of temper; and when, as it is said, both bar and bench learned more than they had ever known of the principles and practice of the founders of the religious polity of New England. He read some, but not many, foreign languages; yet his general knowledge was very great. He was a diligent reader of the literature of the time,—particularly that which took the channel of periodical publication. It was a singular union of tastes that led him, on the one hand, into the depths of Christian antiquity, and, on the other hand, over the paths of modern criticism. He gained the advantage of keeping his mind fresh while it was sprinkled with the dust of ancient lore."

Dr. Lamson was of much simplicity of character. It may be said that his most marked characteristic was a scrupulous, —sometimes overscrupulous,—conscientiousness. This appeared in all his acts, and, in his dealings with others, often led him to give up what he was himself really entitled to, lest he might claim something which belonged to another. Yet he was not wanting in judgment and sagacity. He was exact in the performance of all duties, desiring to leave nothing undone which properly belonged to him to do,—but was generally indulgent in his judgment of others. He was no ascetic. In his hours of leisure he was fond of social intercourse,

though a natural reserve and sensitiveness and his studious habits, prevented him from seeking it as constantly as many do, and often gave him the appearance of caring less for it than he really did. He was always desirous that others should enjoy themselves, and ever ready to contribute to their pleasure.

The writer may be excused for borrowing once more from Dr. Gannett,—quoting now his estimate of Dr. Lamson's personal character:—"It happened, in the course of changes which death and time produced, that I was associated with Dr. Lamson in the care of the principal periodical of our religious body. Previously, I had known him only through the incidental acquaintance which the ministers of a small denomination, meeting on various occasions, form with one another. Eight years my senior in age, and six in graduation from the College and the Divinity School, with a reputation that placed him second to none of our ministers in learning, and with a manner that was suited at first to create a feeling of distant respect rather than of intimate affection, his entrance on the connection which brought us near to one another caused me to feel some anxiety lest I should encounter a harsh judgment, or the reproof which I knew I should often deserve. For several years, we spent hours, sometimes the greater part of a day, together, almost every week; and, in all that time, I never heard from him an unkind word, or saw an expression of countenance that gave me pain. He was the most generous of companions, the most delightful of associates in a work that was often wearisome. He never imposed on me any labor that was not properly mine; always ready himself to do more than his part; at once prompt and patient, strict and gentle. . . . . In that character, firmness was tempered by sweetness; seriousness was qualified by a pleas-

ant but never irreverent or sarcastic humor; and devout sentiment was mingled with practical sincerity. If my respect grew into esteem, and my esteem ripened into love, who will deem it a violation of the proprieties of this place to confess that love here and now?

"Dr. Lamson seems to me to have left us an example of the best elements in the American character. He was a New-Englander in the whole constitution and spirit of his being: intelligent and inquisitive, sincere and earnest, patient and resolute; undemonstrative, yet most genial in heart; a believer in spiritual things, but not a stranger to the affairs of this world; possessing true refinement, without the least of that manner, which, like the gilding in the church of the Madeleine in Paris, spoils that which in itself is beautiful; fond of society as a healthful recreation, yet with a little of the diffidence that is apt to cleave to the scholar; conscientious, but not cynical; learned without pedantry, wise without arrogance; progressive where progress is improvement, conservative where change must be hurtful; a Christian gentleman, a faithful minister of Christ, a servant of God."

Dr. Lamson had a strong love of country life, with much interest in agriculture, pomology, and arboriculture. He enjoyed the management of his garden, though, for a large part of his life, he did not feel himself able to undertake much of the hard work required in it, both from the want of physical strength and on account of its interference with his other pursuits. He was among the first members of the Norfolk Agricultural Society, and delivered the annual address before it in 1857.

He had not a strong physical organization. His health was never robust, and generally rather feeble. He felt the effects of this continually. It made his labors more oppres-

sive, and diminished his power of relieving himself even by such enjoyments and recreations as clergymen commonly indulge in. About middle life, he suffered much for some years from the use of water drawn through lead pipes, which, besides its effect on his general health, produced a paralysis of certain muscles, and for some time incapacitated him for his usual pursuits. At this time, he derived much benefit from a visit to the hot sulphur springs of Virginia; and the cause of his illness being discovered and the use of the water discontinued, he regained his ordinary degree of health. In the latter part of his life, he also suffered from a permanent lameness arising from a fracture of the thigh, occasioned by a fall on the ice, and from a troublesome bronchial affection. In 1853, he made a short European tour, spending a few months in England, France, Switzerland, and Germany. During this time, he made daily memoranda of the places he visited and the interesting objects he saw; but he never undertook to put them in form or to write any connected account of his trip. Some general impressions of it and reflections suggested by it, appear in a sermon preached shortly after his return.

His connection with his parish continued till October 29, 1860,—forty-two years from the time of his settlement,—when his resignation, offered a short time before, took effect. After this time, he still retained a lively interest in the affairs of the parish, taking part in the instruction of the Sunday School and holding himself ready to aid his successor and his people when able.

He married, in 1825, Frances Fidelia, daughter of Artemas Ward, who was for a number of years Chief Justice of the Court of Common Pleas. He died July 18, 1864, of paralysis, of which he had had a slight attack the preceding year,—an attack so slight that its true character was hardly recognized at the time.

LIST OF THE PUBLICATIONS OF DR. LAMSON.

Sermons. 12 mo. pp. 424. 1857.

The Church of The First Three Centuries: or Notices of the Lives and Opinions of some of the Early Fathers, with special reference to the Doctrine of the Trinity; illustrating its late Origin and gradual Formation. 8 vo. pp. 352. 1860.

Second edition of the same, revised and enlarged; edited by Ezra Abbot. 8 vo. pp. 410. 1865.

An edition of this work, with additional notes by Henry Ierson, has been published by the "British and Foreign Unitarian Association." London. 1875.

PAMPHLETS.

Sermon on the Adaptation of Christianity. 1825.

Remarks on the Genius and Writings of Soame Jenyns, and on the Internal Evidences of Christianity. 1826.

Sermon preached at the Ordination of Rev. Charles C. Sewall, at Danvers. 1827.

Discourse at the Dedication of Bethlehem Chapel, Augusta, Maine. 1827.

Discourse on the Validity of Congregational Ordination. (Dudleian Lecture. 1834.)

Sermon on the Sin against the Holy Ghost. 1835.

A History of the First Church and Parish in Dedham, in three Discourses, delivered Nov. 29, and Dec. 2, 1838; published in 1839.

A Discourse delivered on the day of the National Fast on occasion of the death of President Harrison. 1841.

Congregationalism. A Discourse delivered before the Massachusetts Convention of Congregational Ministers. 1846.

The Memory of John Robinson. A Discourse delivered at Dedham, Sunday, December 21, 1851.

Impressions of Men and Things Abroad. A Sermon preached at Dedham, September 11, 1853, after an absence of some months in Europe.

Agricultural Life in some of its Intellectual Aspects. An Address delivered before the Norfolk Agricultural Society, September 30, 1857.

A Sermon preached October 31, 1858, the Sunday after the Fortieth Anniversary of his Ordination.

A Discourse preached October 28, 1860, on Resigning the Pastoral Charge of the First Church and Parish in Dedham, after a Ministry of Forty-two Years.

FUNERAL SERMONS.

On Ebenezer Fisher, Jr. 1847.

On Mrs. Mary Dean. 1851.

On Rev. John White. 1852.

On John Endicott. 1857.

On Hon. James Richardson. 1858.

TRACTS (UNITARIAN.)

On the Doctrine of Two Natures in Jesus Christ. 1st series, No. 20. (Reprinted in England.)

On the Foundation of our Confidence in the Saviour. 1st series, No. 89. (Reprint of Sermon at Ordination of C. C. Sewall.)

On Earnestness in Religion. 1st series, No. 188.

What is Unitarianism? 1st series, No. 202. (Reprint, after revision, of the article on "Unitarian Congregationalists," in Rupp's "History of all the Religious Denominations in the United States.")

DEACONS OF THE FIRST CHURCH.

HENRY CHICKERING. Chosen 1650. Died 1671.
NATHAN ALDIS. Chosen 1650. Died 1676.
JOHN ALDIS. Died 1700.
THOMAS METCALF. Died 1702.
WILLIAM AVERY. Died 1708.
JOSEPH WIGHT. Died 1729.
JONATHAN METCALF. Died 1731.
JOHN METCALF. Chosen 1727. Died 1749.
JOSEPH WIGHT. Chosen 1727. Died 1756.
JONATHAN ONION. Died 1758.
EPHRAIM WILLSON. Chosen 1735. Died 1769.
RICHARD EVERETT. Chosen 1735. Died 1746.
NATHANIEL KINGSBURY. Chosen 1746. Died 1775.
WILLIAM AVERY. Chosen 1756. Died 1796.
EBENEZER RICHARDS. Chosen 1769. Died 1799.
AARON FULLER. Chosen 1776. Resigned 1777.
Re-chosen 1793. Died 1816.
SAMUEL DAMON. Chosen 1776. Resigned 1777.
JOSEPH WHITING. Chosen 1777. Died 1806.
ISAAC BULLARD. Chosen 1780. Died 1808.
JONATHAN RICHARDS. Chosen 1804. Resigned 1819.
SAMUEL FALES. Dismissed 1819.
JOSEPH SWAN. Died 1818.
ELIPHALET BAKER. Chosen 1819. Died 1841.
LUTHER RICHARDS. Chosen 1819. Died 1832.

JOHN ENDICOTT. Chosen 1833. Died 1857.
MARTIN MARSH. Chosen 1838. Resigned 1850.
JOSHUA FALES. Chosen 1843. Died 1852.
AUSTIN BRYANT. Chosen 1850. Died 1851.
EDWARD B. HOLMES. Chosen 1851. Died 1864.
JONATHAN H. COBB. Chosen Jan. 18, 1865.
NATHANIEL SMITH. Chosen March 15, 1869.

LIST OF DEACONS.—This list, with the accompanying dates, is partly derived from the Church Records, and partly from notes to Dr. Lamson's Historical Discourses. "Whether or not," says Dr. Lamson, "any names are wanting in the earlier part of it, I cannot say." The dates of the appointment of Deacons John Aldis, Thomas Metcalf, William Avery, Jonathan Onion, and the first Joseph Wight, have not been ascertained. The records relating to the period in which occurred the appointment of Deacons Samuel Fales and Joseph Swan, are not in the possession of the church; neither they nor the ancient vessels of the communion service, having been restored to the custody of the duly elected Deacons of the First Church, in compliance with the decision of the Supreme Judicial Court. Deacon Samuel Damon left a lasting and useful memorial in the form of the "Damon Donation."

TRUSTS AND FUNDS.

DAMON DONATION.—In 1779, Deacon Samuel Damon donated to the town of Dedham $1000 as a fund, the income of which should continually be distributed to individuals and families, who, not being a public charge, are yet "under poor, low, and indigent circumstances." It was provided, "that the oldest deacon of the first church in said town, from one succession to another, even to the last, be treasurer, ... and, lastly, that these articles be strictly adhered to to the latest generation."

This fund, probably on account of financial embarrassments incident to the period, had diminished, by April 18, 1796, to $320.05, the income of which was $22.50.—*Town Records, vol.* 10, *p.* 42.

The present value of the original fund, in 1877, does not vary essentially from what it was in 1796, being now $321;—represented by a note given January 30, 1845, and secured by mortgage to Deacon Martin Marsh, treasurer of the Damon donation.

By a will proved Dec. 22, 1875, George B. Draper bequeathed "to the inhabitants of Dedham the sum of one thousand dollars, to be added to the bequest made to the town by Deacon Samuel Damon;—to be held, managed, and invested, by the same persons as have the management of the said Damon Donation, forever."

FUNDS OF THE FIRST CHURCH. — In 1638, one acre of ground, still occupied for that purpose, was appropriated by the town as the site of a meeting-house. "After this, grants, or donations in land or money, were from time to time made by the proprietors or by individuals, the purpose being sometimes specified, as 'for the use or accommodation of a teaching church officer,' at other times, not. . . . There is no reference whatever to the theological sentiments of the teacher, or the doctrines he is to explain or inculcate."—*Dr. Lamson.*

"The fund which the church now possesses, proceeded from the sale of a number of lots of land which belonged to it. The interest, for a succession of years, was added to the principal. The annual interest now [1796] amounts to two hundred and sixty-seven dollars."—*Rev. Jason Haven.*

A part of the income of the church "has been raised by the sale of wood, every two or three years, from the church lot. The regular interest on notes, and the rents, fall a little short, I believe, of a thousand dollars."—*Dr. Lamson in* 1858.

The income of the church from these sources for the year ending March 19, 1877, was $1200.00.

CHURCH EDIFICES.[1]

"The first meeting-house, tradition says, was built in 1638, where the present house stands. The people assembled in it for religious worship about thirty-four years. In the year 1672, they took it down and erected another in the same place, the first being too small to accommodate them. The second, which many of you remember, stood ninety years. In the year 1762, it was taken down, and this, in which we now assemble, was erected in the same place. The spot fixed upon by the proprietors for the first, seems, by general consent, to have been deemed the most suitable ever since." So writes the Rev. Jason Haven in 1796, in a note to his sermon upon the fortieth anniversary of his ministry. The house in which this sermon was delivered, completed in 1763, still stands in 1878, though greatly modified, and continues to be occupied by the church and parish. It is the third meeting-house erected on or near the present site.

The first, larger than the needs of its handful of worshippers, was thirty-six feet long by twenty wide, and twelve feet from floor to roof. The roof was thatched with meadow grass gathered "at the town-charge;" no ceiling, of course, separating this rustic covering from the eyes of the worshippers. "When the building was first occupied for worship the record does not say; our Puritan Fathers, from some scruple, neither

[1] Dr. LAMSON's Fortieth Anniversary, Note B.

dedicating their churches, nor having prayers at funerals. When the people,—men, women, children,—first came together in it for exhortation and prayer, and afterwards to hear the Rev. Mr. Allin preach and expound, it must have been a mere shell. Part of it remained unfinished, the room not being wanted, till 1646, eight years after; and eleven years after that, in 1657, we find in the records a vote to this effect, that the town 'declare that they will have the meeting-house lathed upon the studs, and daubed and whitened, workmanlike.' This was nineteen years after the house was first erected. The next year, 1658, we hear of a 'new gallery, lately set up'; the number of families in the town having now, in twenty years, increased [from about thirty] 'to one hundred and sixty-six.' How these galleries could have been put into a house only twelve feet in the stud, you can tell as well as I. . . . . Mr. Allin died in August, 1671, leaving the society flourishing, but the old thatched house little better than a ruin, besides being too small."

In 1646, and earlier, the inhabitants assembled for worship at the beating of a drum; in 1656, there is mention of a bell; but in 1672, ten shillings are appropriated "for one year's service in beating the drum on the Sabbath, to collect the congregation."[1]

The details respecting the second meeting-house are very meagre. It was erected in 1673, with galleries upon three sides, reached by 'three pair of stairs;' "the south gallery to be for men; the north for women and 'lads'; the seats in the lower part of the house to be parted in the middle by an aisle,—the men to be ranged on one side, and the women on the other."

[1] MANN's Annals of Dedham.

"In 1696, galleries were erected 'over the other galleries;' that over the 'women's gallery' being for 'young women and maids to sit in.' The young and old, as well as men and women, had different places assigned them. Such were the ideas of the age."

"In 1700, the town voted to 'make an addition to the meeting-house, by adding from twelve to fourteen feet on the west side.' And two years after, there having been as yet no pews erected, "such persons as a committee should approve were allowed to construct them, at their own expense, 'on the sides of the meeting-house below, that were without seats'."

"Here, at the time of Mr. Dexter's death,[1] it stood,—a singular structure, with its double row of galleries; a raised platform, with seats along the north and south wall; the floor also occupied with seats; a few pews only being erected at the sides. There was a 'platform,' as it is expressed, 'above the outside covering' or roof. A cupola, or rude turret, rose from the centre, surmounted, not by a steeple proper, but by a short pole or staff, as it appeared to the eye, serving merely to support a vane. The bell was rung by a person standing in the body-seats, or in the aisle between them, in the central part of the house below. There was no ceiling above, nor were the sides plastered; and the whole interior appeared thickly studded with spars. Four persons occupied the deacons' seat; and the deacons' wives had a special place assigned them in another part of the house."

In this structure, Rev. Mr. Adams preached during a ministry of twelve years; Rev. Mr. Belcher, during a ministry of thirty-three years; Rev. Mr. Dexter, during a ministry of thirty-one years; and Rev. Mr. Haven, during the first six

[1] 1755.

years of his ministry,—a long ministry, which continued forty-one years after the erection of the present house.

"The vote to build was passed March 16, 1761; the new structure to be sixty feet long and forty-six wide, having a steeple, and two porches possessing the proper architectural proportions, a third being afterwards added. . . . . On the 7th of June, 1762, the inhabitants assemble to take down the old church. On the 24th, the sills of the new are laid; the north sill, according to a previous vote of the parish, occupying the precise place of the old. The timber was of solid oak; the floor had oak underneath, and pine above. The building was not finished till near the end of the year 1763. As in the case of its predecessors, there is no record of the time when it was first occupied for religious services. The 'young women,' as it is expressed, furnished a 'velvet cushion' for the pulpit, and a 'curtain' for the window; for which they received the thanks of the parish. . . . . There were fifty pews on the lower floor. . . . . More being wanted, nineteen were erected in the back part of the galleries, along the walls; the other parts containing free seats,—those on the north, and part of the east galleries, being assigned to the women; those on the south, to the men. The 'body-seats,' so called,—four in number on each side of the aisle,—occupied the lower floor in advance of the pews. Immediately under the pulpit, and joined to it, was the deacons' seat; and above that, entered from the pulpit stairs, about half-way up, the elders' seat. This I find, two or three years after, occupied, by permission of the parish, by the 'leader of the singing,' with such as he should choose to assist him. . . . . In 1785, the parish vote to sing 'without the deacon's reading.' No instrument of music was introduced before 1790, when the parish desire Mr. Abner Ellis to make use of an

The alterations made in 1819, "helped the proportions of the church. Still the old error of placing the pulpit on one side, instead of the end, was not completely remedied; and the effect is still visible, though some further relief has been given by recent changes, ... partly by throwing the curves of the galleries further back towards the east, and the extension given by the arches on the west over and behind the pulpit."

These modifications were made in 1857, the church being "for some months closed for alterations and repairs." It was apparently by a narrow chance that the ancient edifice escaped going the way of its predecessors. "Some were for sweeping the ground clear of the old structure, as was done in 1673, and again in 1762, almost a century later. This, too, had nearly lived out its century; and they would have it removed, and a new and better proportioned edifice erected in its place. Others were for retaining in its main parts the old structure of solid oak; adding, changing, and modifying as might be determined on." The latter course was finally adopted. The committee in charge of the improvements, reported to the parish, under date of January 25, 1858, as follows: "Twelve feet were added to the length of the house; new windows and doors were put in; the front gallery was lowered several feet, to make room for the new organ and give better accommodations to the choir; new circular pews put in, and numbered, lined with worsted damask, and furnished with cushions; the floors of the house carpeted; the wood-work painted, and the walls and ceilings tastefully painted in fresco; the house outside painted from the sill to the top of the spire; a cellar excavated, and a powerful furnace placed in it. The net amount expended is $6569.55."

Signed by John Gardner, Thomas Barrows, Jeremy Stimson, Edward B. Holmes, William Whiting.

In the present edifice, after two transformations, the generation that listened to Mr. Haven in his early ministry, would scarcely recognize the old meeting-house, whose foundations they assembled to lay, one hundred and sixteen years ago.

DOCUMENTS RELATING TO THE CONTROVERSY.

CALLING A MINISTER. A PRECEDENT.—The call of a minister to the pastorate by the parish acting independently, as in 1818, though exceptional in the history of this church, is not without precedent. In 1685, (Jan. 4,) a call was voted and communicated to Rev. Mr. Bowles, without any action of the church, it having been decided at parish, or what then was identical, town meeting, that the church should take no separate action. The transaction is recorded at length, both in the Records of the town of Dedham, and in the Deacon's Book of the First Church: "We, by the providence of God, having an opportunity for the town to be together, we thought meet to discourse the matter respecting the calling the Rev. Mr. Bowles, in order to a full settlement with us in the work of Christ in the ministry, and it being considered whether the church should not precede,—it is answered that the present assembly, consisting of the church and town, and therefore now they will act together as one,—with all due respect to the church of Christ in Dedham,—we, the present assembly, do hereby declare that it is our desire, request and call to the Rev. Mr. Bowles to settle with us in Dedham.

This was voted in the affirmative, no one dissenting from it."

The settlement was not effected, owing to the non-acceptance of the candidate, but no objection seems to have been made as to the validity of the call, or to the competency of the parish to invite a minister upon its own authority.

PARISH COUNCIL.—The council summoned by the parish met October 28, 1818. There were present as delegates, Hon. John Davis, then and for forty years Judge of United States District Court; Rev. John T. Kirkland, D. D., then President of Harvard University; Rev. James Walker, afterwards President; Rev. Dr. Henry Ware, Sen. Professor of Divinity; Rev. Charles Lowell of West Church, and Rev. William E. Channing of Federal Street Church, Boston. The committee to prepare a Result of Council, consisted of Rev. Dr. Reed of Bridgewater, Rev. Dr. Kirkland, Rev. Mr. Channing, Rev. Mr. Lowell, and Hon. John Davis. The report, an interesting paper read by Dr. Channing, is entered in full upon the Church Records. The following passages indicate the considerations which determined the action of the council:

"The council here convened, esteem it to be due to themselves and to the Christian community, to explain, as far as time will permit, the views and motives by which they have been influenced in coming to the decision which has now been announced. It has been their labor to bring to this important transaction, dispassionate minds and a sense of their responsibilities. They trust that they have given evidence of their desire to hear patiently every statement which could guide them to a fair result. . . . . The council regard the well-known usage, according to which the first step in electing a pastor is taken by the church, as, in the main, wise and beneficial. But they believe that this usage, founded on different circumstances of the Christian community and on different laws of the Commonwealth from those which now exist, is not to be considered as universally necessary. In the present state of our religious societies, and under the provisions of our present constitution and laws, they conceive

that the spirit and end of the usage are to be regarded rather than the letter; and that, as it has no other purpose than to secure a pious ministry and the peace and prosperity of religious communities, we are bound to dispense with it when, after serious deliberation, we are persuaded that adherence to it will create or increase division, or postpone indefinitely the settlement of a Christian minister.

"In such a case, we must consult a higher rule, the general spirit of the Gospel, and not expose to imminent peril the best interests of a society, through regard to a usage which may often operate injuriously in periods like the present, when difference of religious opinion is widely extended, and when the number of church members often bears a small proportion to that of the whole society. . . . . They would also observe, that, when a parish proceed to the choice of a minister in opposition to a vote of the church, it is not therefore to be supposed that the church has no influence in the affair. Such a vote, it is believed, has always an effect on individuals in the parish; and when, notwithstanding such effect, the parish proceed to elect the candidate in question by a large majority, this fact is an indication of a state of mind in the society which ought to be regarded with great deference by the church, and which a council cannot overlook. . . . . The council, having been led by these views to consider the expediency of ordaining Mr. Alvan Lamson over the First Parish in Dedham, have unanimously voted to proceed to that solemn act. In forming this decision, they have availed themselves of every method within reach for ascertaining the precise state of this society, and the consequences which may result either from ordaining or refusing to ordain Mr. Lamson. They wish not to conceal the difficulties of the case before them; but they have a strong conviction on which it is their duty to act, that greater good is to be expected to this society,

and to the church in general, from the course on which th have resolved, than from any other within their choic Among the many circumstances which have influenced the judgment, but which cannot be detailed, they would mentio as important, the following facts; namely, that a large m jority of the parish are in favor of Mr. Lamson; that a m jority of the church would also be in his favor were all t brethren included in that body, who statedly commune in th place, and who in some places would be admitted to vote church affairs; that Mr. Lamson has inspired a warm attac ment; and that the minority of the parish disclaim oppo tion to him on the ground of religious opinion, or of objectio to the purity of his character. The result of their delibera inquiries is, that, in the present circumstances of this peopl there is no reason to expect as great a degree of union fro hearing other candidates, as from the ordination of M Lamson."

CHURCH COUNCIL.—The council met November 18, 181 The Letters Missive, issued in the name of the church, repr sented that body as "brought into circumstances of gre trial, difficulty, and affliction,—left as sheep without a she herd,—standing in peculiar need of the advice, assistanc and prayers of sister churches." The following church were invited and were present, by their pastors and delegate The First and Second in Newton; the First in Walpole; t First in Roxbury; the First in Cambridge; the First, Secon and Third in Dorchester; the First in Medfield; the Fir in Brookline; the Second in Needham; the First in Milto the First in Canton; the First in Medway; the First Natick; the First in Sherborn.

Of these sixteen churches, ten are at present Unitaria the First in Walpole; the First in Roxbury; the First in Ca bridge; the First and Third in Dorchester; the First

Medfield; the First in Brookline; the First in Milton; the First in Canton; and the First in Sherborn. The fact is significant, as showing that the tendency of religious thought, the lines of which by the pressure of circumstances, here sooner than elsewhere, became definitely drawn, was not a mere spasmodic or local disturbance, but a part of a general movement of ideas.

The Council came to the following *Result*:—

"Having attended to the statement of facts relative to the proceedings of the First Church and Parish in Dedham, respecting the settlement of a minister, we feel ourselves constrained to express our regret to discover, in the measures pursued, the want of such a spirit of condescension as seems best adapted to produce and preserve unity and peace. It appears that the Parish, in opposition to the wishes of the Church, have proceeded to settle a public teacher of piety, religion and morality, not in accordance with the accustomed and pacific proceedings of the Congregational Churches in New England. Nor, in the judgment of this council, was this one of those cases of necessity, which, in the opinion of some, would justify such a procedure.

"In the peculiar and embarrassing circumstances of this unhappy case, we find it extremely difficult to give such counsel as would promise effectual relief for the present and that propitious influence for the future, which are devoutedly to be wished.—Much must be left to the wisdom, integrity, and piety of those to whom our advice is offered. It is the ardent desire and fervent prayer of the council, that, at no distant period, a way may be opened, in divine Providence, for the reinstatement of the church in enjoyment of its Christian privileges, according to its ancient and sacred usage and custom, and the divine charter of the great Head of the church. In the mean time, we recommend, that, in a

spirit of meekness and humility, candour and forbearance, with continual prayer to God for all grace and consolation, for his guidance and benediction, the church, by whom this council was convoked,—without undue worldly considerations or desponding apprehensions,—consult the dictates of conscience in attending public worship and Christian ordinances.

"*Christian Brethren:*

"Instead of more definite advice, which you may have expected, and which we would gladly have imparted, we can only, in addition, recommend to you 'the things which make for peace and things wherewith one may edify another.' Let a spirit of candour and benevolence, of meekness and condescension, be cherished in all your private and social intercourse, and in all your civil and sacred concerns. 'Only let your conversation be as becometh the gospel of Christ; that whether we come and see you or else be absent, we hear of your affairs, that ye stand fast in one spirit, with one mind, striving together for the faith of the gospel.'

W. GREENOUGH, *Moderator.*

A true copy,—Attest: A. HOLMES, *Scribe.*"[1]

The "Statement" adds:—"We are authorized to say, that they had but one opinion as to the irregularity and inexpediency of settling Mr. Lamson here. The first clause of their result was penned by a member, who, on the whole, thought it expedient to advise the church to unite under him. Most of the council would have been willing to use much stronger language, but assented to this, in the hope of being unanimous in the whole result. Eight members, however, finally voted against the result,—some for one reason, and some for another."

[1] Statement by a Member, &c., p. 91.

DECISION OF THE COURT.[1]

ELIPHALET BAKER AND ANOTHER

versus

SAMUEL FALES.

This was an action of replevin, prosecuted by the plaintiffs, as deacons of the First Church in Dedham, for the recovery of sundry bonds, and other securities for the payment of money, together with the records and documents of the church aforesaid.

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[1]Massachusetts Reports, vol. XVI, pp. 488 – 522.

"The decision which established the legal precedent." Rev. G. E. ELLIS, D. D. Half Century of Unitarian Controversy, p. 421.

["The portion of the Church which remained in connection with the Parish, or their legal advisors, did not consider it material, in the pending controversy,on which side the majority was. They were willing to concede to the other party all the advantage accruing to them from the supposition that the majority of the church members was proved to have withdrawn. This, they were the more ready to do, as they wished to present the case in its simplest form, and unincumbered by any extraneous questions. . . . . Such a concession in law, and so far as the trial was concerned, of course, was regarded as proof, and so it appears in the Report. This circumstance has, I believe, led to some misapprehension, but as understood at the time, and according to the explanation above given, it cannot be appealed to as affording sanction to the belief, that a majority of the male church members did, in reality, leave the old place of worship." Dr. LAMSON. History of the First Church and Parish. Note O, p. 102.]

For the actual votes of the church, see "Controversy," pp. 22–23.

The plea in abatement having been overruled, and a *respondeas ouster* awarded, the defendant pleaded in bar, that the goods and chattels replevied are his property, and not the property of the plaintiffs, in manner and form as they in their declaration have alleged; and on this traverse issue was joined to the country.—He also pleaded that the plaintiffs are not deacons of said church in Dedham; and on this plea issue was also joined.

Trial was had of these issues at the last February term in this county, before Wilde J.

The plaintiffs produced copies of sundry ancient grants of land to the first church in Dedham, from the sales of which, it was admitted by the parties, that the bonds and securities replevied were given, or that these were taken on the loan of money from a fund arising from such sales.

In 1641, John Phillips aliened and sold to the church in Dedham forever, three acres of land. No consideration is mentioned, and no use is expressed: and the only evidence of this, and of the other grants, is an entry in the records of the proprietors.

In the same year, Joseph Kingsbury, upon exchange and other satisfactions, granted to the church in Dedham, and to the use of the same forever, three acres of land.

On the second of the eleventh month, called January 1642, at a meeting of the proprietors, it was unanimously voted that 40 acres at the least, or 60 acres at the most, should be set apart, in a division then intended, for publick use, viz. for the town, the church, and a free school.

In 1655 or 1656 there was granted to the church in Dedham, and to their successors forever, in the dividend near Medfield, 150 acres of land.

In 1659 there was a similar grant of 24 acres of upland in

Natick dividend. In these two grants, there is no designation of any trust or use.

On the eleventh of the fourth month 1660, at a meeting of the inhabitants of the town, there was a grant to the church in Dedham, and to the use thereof forever, of such a part in the dividend of plowing lands and wood land, and all other common town rights, yet to be laid out, as, according to proportions agreed upon, belong to the division of eight common rights and cow commons ; being so granted for the use and accommodation of a teaching church officer.

There were several other grants of land from the proprietors to the church in Dedham, and their successors in office ; which were recorded in the books of the proprietors, at various times from 1667 to 1711 ; in none of which is expressed any trust or use.

It was admitted that the records and documents, with the bonds and other securities, were at the time of the taking &c. the property of the First Church in Dedham : that the First Parish and First Church in Dedham continued connected and associated together, in the support and maintenance of public worship, until the month of November 1818 ; when the Rev. Alvan Lamson was settled and ordained, as the minister of the said First Parish ; and that a majority of the church did not concur with the majority of the parish, in giving a call to Mr. Lamson, nor in his settlement and ordination.

Sundry records of meetings of the church and other documents were read to the jury on the part of the plaintiffs, although objected to by the counsel for the defendant. It appeared that in the year 1792, the church directed the trustees of the church fund to appropriate one year's interest thereof to the payment of the then minister's salary ; and in

1819 the parish requested the church to pay and allow the sum of 600 dollars towards Mr. Lamson's salary. At another meeting of the parish in the same year, it was voted to unite with the church, to obtain the property of the church, to indemnify the deacons therein, and to put Mr. Lamson in possession of the parsonage house.

It was proved or admitted that those members of the ancient church, who had adhered to Mr. Lamson, since his ordination, had continued associated and connected with the said first parish, and had continued to act as a church, and to have the ordinances of the gospel administered to them by Mr. Lamson, from the time of his ordination to the time of the trial.

The defendant was formerly a deacon of the church, previously to Mr. Lamson's settlement; after which settlement he was removed, and the plaintiffs were elected to that office, by the church who united with the parish in the settlement of Mr. Lamson.

It was contended for the defendants, that the majority of the members of the church, who objected to the settlement of Mr. Lamson, must be considered as the successors of the ancient church in Dedham: and they proved that, after the settlement of Mr. Lamson, the majority of the members of the church, with the defendant then one of the deacons of said church, met and worshipped with some of the parish at another house, and did not after that time attend publick worship at the meeting house. But the Christian ordinances were administered to them, and they held church meetings, and claimed to be the successors of the ancient church in Dedham.

It also appeared that they did not attend worship at Mr. Lamson's meeting house, when the meeting was notified from

the pulpit, at which the plaintiffs were chosen deacons: and that this was known, when the meeting was notified.

It was proved that the church in Dedham have always had the exclusive control and management of the property and the funds raised from the sales of lands before mentioned.

It was admitted that the members of the church, who united with the parish in the settlement of Mr. Lamson, never formed or were gathered into a new church.

The defendants offered in evidence the proceedings of an ecclesiastical council, in which it was said to have been determined, that the members of the church, who objected to the settlement of Mr. Lamson, and who seceded from the majority of the parish, did yet constitute the First Church in Dedham: but the Judge deeming this evidence incompetent, it was not admitted.

Upon the whole evidence in the case, the Judge instructed the jury, that although the said grants of land, and donations to the church in Dedham, purported to be for the use of the church in Dedham: yet they could not hold the same as a corporation, never having been incorporated as a body politic: and that the same did vest in the deacons of the church, by virtue of the provincial act of 1754; and by virtue of that law the deacons were to hold the same, in trust for the support of the minister, and for defraying charges relating to publick worship: that by the true construction of that act, and others relating to the subject, the said grants and donations must be considered as made for the benefit of the whole town of Dedham, for the purpose of maintaining publick worship: that after the erection of new parishes in the town, the property remained for the use of the remaining part of the town, who thereupon became and were constituted the first parish in the town: and that it appeared that the said fund

had always been appropriated in part, from time to time, for the maintenance of publick worship in the said first parish.

The jury were further instructed, that Mr. Lamson was legally ordained as minister of said first parish; and that the members of the church, who adhered to the parish and united with them on that occasion, must be considered as the church in the first parish of Dedham, and the successors of the ancient church; and that those members of the church, who withdrew from the parish, and refused to concur in the proceedings of the majority of the inhabitants of the parish in the ordination of Mr. Lamson, could not in law be considered as a church, so as to entitle them, though a majority of the members of the church, to hold, appropriate, or controul the said ministerial fund or property.

If this direction to the jury was incorrect, in the opinion of the Court, or if the Court should be of opinion that the plaintiffs were not by law entitled to recover, the verdict in their favour was to be set aside, and they were to become nonsuit, or a new trial had, if the Court should think it necessary: otherwise judgment was to be entered agreeably to the verdict.

The cause was argued by Davis, Solicitor General, for the plaintiffs; and Webster for the defendant: and being continued *nisi* for advisement, the opinion of the Court was delivered at the following November term in Suffolk, by

PARKER C. J. This is replevin of certain bonds and other money securities, and of certain records and documents, alleged to belong to the First Church in Dedham, of which church the plaintiffs aver themselves to be deacons.

The defendant, in his first plea, denies the property to be in the plaintiffs, and issue is joined on this point.

In his second plea, he denies that the plaintiffs are deacons

of the First Church in Dedham, and issue is also joined upon this point. Both issues, on trial by the jury, have been found, under the direction of the Judge who sat on the trial, for the plaintiffs; and a new trial is moved for, on account of the supposed misdirection of the Judge in matters of law, and also on account of the admission of some evidence and the rejection of other, contrary to the motion of the defendant's counsel at the trial. On the hearing before the whole Court, the argument of counsel has been confined altogether to the matters of law, arising out of the direction of the Judge; so that no notice will now be taken of the questions which relate to the evidence, other than to say that we see no objection to the decisions of the Judge upon those questions, as they arose.

The two issues of fact, which were submitted to the jury, resolve themselves into one and the same point; so that it is not now necessary to consider them separately, nor have they been so considered by the counsel in their argument. If the plaintiffs are not the deacons of the First Church in Dedham, they are not entitled to the possession of the articles replevied; if they are such deacons, then, as the articles are agreed to belong, for certain purposes, to the proper representatives of that church, the plaintiffs are constituted by law the proper persons to sue for and have the custody of them. But this question, though simple in its form, necessarily led into a wide field of argument, and must be pursued in the same manner, in order that the reasons of the opinion, which the Court have adopted, may be clearly and distinctly seen and understood.

One branch of the charge of the Judge is, "that although the grants of land and donations to the church in Dedham, purport to be for the use of the church, yet the church could

not hold the same as a corporation, never having been incorporated as a body politic; and that said lands and other property did vest in the deacons of said church by virtue of the statute of 1754; and that the deacons were to hold the same in trust for supporting the ministry, and for defraying charges relating to public worship; and that by the true construction of that statute and other acts relating to the same subject, said grants and donations must be considered as made for the whole town of Dedham, for the purpose of supporting and maintaining publick worship. That after the erection of new parishes in said town, said property remained for the use of the remaining part of said town, which thereupon constituted the first parish in said town."

There is nothing in this part of the charge which obviously affects the question, whether the plaintiffs are deacons of the First Church in Dedham; but it will be seen in the sequel, that the correctness or incorrectness of the principles laid down by the Judge is essential, in the consideration of the question between the parties. The defendant, as well as the plaintiffs, claims to be the deacon of the First Church in Dedham; and contends that the property, out of which the securities sued for grew, belonged to the church as an ecclesiastical body, without any connexion with the parish, and that the conveyances were originally to the use of the church, without any trust in favour of the parish. If this position can be maintained, it will materially affect the question, whether the plaintiffs, who were appointed deacons by those members of the church who remained and acted with the parish, had thereby acquired any right in the property; and so it is necessary to determine the legal character of the grants to the church in Dedham.

It should be premised that all the securities replevied,

arose from the sales of land granted to the church in Dedham, and that the records and documents relate to that property and to the proceedings of said church. The right to these securities therefore must depend upon the construction to be given to the grants of land, of which these are the proceeds.

With respect to the grant made in 1660, there cannot be a question, but that the church, however composed at that time, was intended by the grantors to be the mere trustees, to hold the same for the purpose of supporting, out of the proceeds, a pastor or minister; for such must have been the meaning of the words teaching church officer, and such was the signification given to this term in the colonial law of 1668.

The grant of the proprietors in 1642 must necessarily have a similar construction, as to the tenure of the church; for the land was granted for publick use, viz. to the town, probably for training ground, burial ground, or other municipal purposes—to the church, for supporting publick worship and other religious purposes, (for there is no other conceivable purpose for which a church can be supposed, without some express declaration, to be made the grantees of property)—and a free school, which, like the grant to the church, is another grant in effect for the benefit and use of the town.

Those of the other grants to the church, in which no use is limited, must of necessity have the same construction. It could not have been the intention of the grantors to convey property to the members of the church as tenants in common or jointenants, to dispose of for the private interest and benefit of those members. The very term church imports an organization for religious purposes; and property given to it *eo nomine*, in the absence of all declaration of trust or use, must by necessary implication be intended to be given to

promote the purposes for which a church is instituted; the most prominent of which is the publick worship of God. We find no difficulty in giving the same construction to the other grants (in which a use is expressed) to the church forever. That body could not take in fee or succession, because it was not a body politic, and could neither take nor hold a legal interest in land. Nor were they intended to be *cestui que trusts*, for there was no trustee other than themselves appointed. To the use of the church, in such inartificial conveyances, could mean nothing more, than that the lands, or the proceeds, were to be used for religious purposes; the support of a minister, building or repairing the meeting house, or some other object connected with, and promotive of, the publick worship of God.

The church was intended to be the trustee, as in the other grants, and the term *use* may be construed to make a trust, when that was evidently the intention of the parties to the conveyance. There may undoubtedly be donations to a church, without any express designation of trust, which, from the nature of the property given, ought to be considered to be in trust for church uses; such as furniture for a communion table, a baptismal font, &c. The particular use, implied from the nature of the property given, would in such case exclude any claim of the parish or society as such, to such property. So property may be given to the church expressly for the use of the poor of the church; and to this the parish would have no claim. But when the donation is to the church, no trust or use being expressed, and no other implied from the nature of the property, the parish must be the *cestui que trust.* That it was so considered by the church members themselves, may be inferred from the manner of their dealing with it. In 1662, Joseph Kingsbury, who had twenty years

before granted to the church in Dedham, and to the use of the same forever, three acres of land upon exchange, claimed further compensation than he had obtained—he having taken a grant from Mr. Allen, the then pastor, of about four acres of land. A meeting being called, at which an elder and five others were present, they voted that he had received full satisfaction; but, as the record states, "not seeing light for ourselves to act any further thereon, we leave the case to the town at the general meeting."

We consider it then to be clear, that the grants of land to the church in Dedham were intended to vest the property in that body, for the purpose of aiding in support of the publick worship of God; and that the members of the church acquired no legal estate or personal interest therein. If we were obliged to apply the technical rules of conveyancing to these several appropriations by the town, the proprietors and individuals, we should not be able to find any estate now subsisting in the church, or its officers; for not being a corporation, it could not take in succession, and certainly there was no inheritance intended to be granted to the then existing members of the church. But it is well known that the early grants of proprietors, towns, &c. have always received a liberal construction, not only according to the intents of the parties, but conformable to the customs and usages then in force. Thus a mere vote of such corporations, without any deed, has been allowed to have the effect of a grant; and estates in fee simple have passed, without any limitation in the vote; because it was clear, in such cases, that the corporation meant to part with all their interest in the estate as conveyed. These several grants therefore gave an equitable fee simple to whosoever shall be found to be the *cestui que trusts*, and the want of a feoffee or grantee in trust, in whom

the legal estate should vest, might in early times have been supplied by the County Court, to whom power was expressly given for such purposes; and has been actually supplied by the statute of 1754, which constitutes the deacons of churches the trustees in all such cases. This statute was predicated upon the fact, that much property had been conveyed to churches, who were incapable of holding in succession.

Hitherto we have gone upon the ground, that at the time when the earliest of these grants were made, there was a body of men in Dedham, known by the name of the Dedham Church; distinct from the society of Christians usually worshipping together in that town; and even upon this hypothesis, we are satisfied that the church was intended to take nothing in the lands granted but estates in trust; and that as the particular trusts intended must have been the providing for the publick worship of God in Dedham, the inhabitants at large of that town, as parishioners or members of the religious society, were the proper *cestui qus trusts;* because the effect of the grants was to relieve them from an expense, they would otherwise have been obliged to bear, or forego all the benefits of a Christian ministry. But in reverting to the history of those times, reason will be found to doubt the application of the term church as used in the grants, in the precise and limited sense in which it is now used.

Probably there was no very familiar distinction at that time between the church and the whole assembly of Christians in the town. We have had no evidence that the inhabitants were divided into two bodies, of church and society or parish—keeping separate records, and having separate interests; but if the fact be otherwise than is supposed, there is no doubt that most of the inhabitants of the town were church members at that time. In the year 1631, ten years only before

the earliest of these grants, it was provided by a colonial law, that no inhabitants should have the political rights of a free man unless he were a member of some orthodox church. The presumption is violent then, that almost if not quite all of the adult inhabitants of Dedham and other towns were church members, and a grant to the church, under such circumstances, could mean nothing else than a grant to the town; except that a designation of the use of the property might be inferred from the denomination of the grantee.—That this was the state of things, will not be doubted by those who look into the ancient tracts and writings, respecting the churches in New England. Before the migration of our ancestors to this country, it is believed a Congregational church was, as it was in the earliest times of Christianity, an assembly of Christians meeting together in the same place, for the publick worship of God, under the same minister or ministers. Mr. Wise, a writer on this subject, defines a particular church to be "a society of Christians meeting together in one place, under their proper pastors for the performance of religious worship and the exercising of Christian discipline—united together by covenant," as most of those undoubtedly were who composed that society. *Parochia* or Parish, he says, signifies, in a church sense, a competent number of Christians dwelling near together, and having one bishop, pastor, &c., or more set over them. Therefore parish, in this sense, is the same with a particular church or congregation—and this, he observes, is plainly agreeable with the sense, custom and platform of the New England churches; a whole diocess is one parish, it not exceeding, in ancient times, the bounds of a parish or a small town, or a part of a town.

All the people of a diocess did, every Sunday, meet together

in one place to celebrate divine service. The bishop had but one altar or communion table in his diocess, at which his whole flock received the sacrament from him.

The whole diocess met together on Sunday, when he gave them the Eucharist.

All the people were present at church censures—none were restored without the knowledge and consent of the whole diocess; they might plead their cause before the whole people. When a bishop died, all the people met together in one place to choose a new bishop. The whole diocess met together to manage church affairs. Such was the church in the early times of Christianity, and such it is presumed was the church, as understood by our ancestors in the first settlement of this country. For one great object in separating from the established church was, that they might restore the simplicity of the primitive Christian churches. We know that at this day, it is the practice of the Episcopal churches to have the sacrament administered to all the flock or parish, and indeed that it is urged upon all as a duty to come to the table and partake, without setting up any distinction between members of the same society; and in this respect they conform more to the practice of the primitive Christian churches, than most of those do, who dissent from their form of worship. No doubt the more pious part of the congregation soon had occasion to withdraw from those they deemed profane and immoral, or who denied some of the doctrines held to be essential, and to establish a distinction by particular covenants or professions between the more serious and devout Christian, and him who was thought to be such in name only; and this necessity originated the distinction between church and congregation, which was afterwards, and is now, so well marked and known. From this account of the ancient state of things,

it may well be conceived that a person intending to give property to pious uses, and particularly for the support and maintenance of public worship within the first half century after the migration of our ancestors, would denominate the donees, *the church*, meaning the whole society of worshipping Christians; and if his donation should be afterwards applied to the use of a few Christians, who had constituted themselves *the church*, instead of the whole society, his bounty would be perverted. The later grants from the proprietors were undoubtedly made for the same purposes, and with the same intentions; for there being then but one church and one Christian society in Dedham, the proprietors, or the clerk who made the record, would be likely to adopt the phraseology which had been before used; and these grants should have the same construction as the earlier ones, although the distinction between church and town or parish might then have been known.

Considering then that the land granted was for the beneficial use of the assembly of Christians in Dedham, which were no other than the inhabitants of that town who constituted the religious society, within which the church was established, these inhabitants were the *cestui que trusts*—and the equitable title was vested in them, as long as they continued to constitute the assembly denominated the church in the grants.

Since the grants were made, parishes have been set off in the town, and other churches have been established within these parishes—but a residuum has always been left, which, by the statutes of the government and the decisions of the courts, have thus become the first parish, and have lawfully succeeded to all the rights vested in the inhabitants of the town, of a parochial nature, which have not been parted with

in some legal form. In 1754 the legislature, having found much property had been given to churches, with intention that the same should be held in perpetual succession, constituted the deacons a corporation with the power of holding the property, for the purpose of executing therewith the will of the donors.

It is asked where was the legal estate before the passing of this statute, if not in the church? It is answered, it was *de facto*, though not *de jure*, in the church who held it as trustees, and without doubt used it as such. No disputes or questions appear to have arisen about it, for all parties interested acted harmoniously, and it was to avoid difficulties and disputes, that the legislature passed the statute of 1754, constituting the deacons trustees, and giving to the church supervisory powers, in the nature of visitation, that they might compel the deacons to appropriate the proceeds of the property, according to the will of the donors.

And we are now brought to the question, whether the plaintiffs have proved themselves to be deacons of the same church, to which the grants were originally made, for the trusts before mentioned.

Until the invitation was given to Mr. Lamson, (the present officiating minister in the first parish in Dedham,) the church and congregation appear to have acted in unison, and the funds held by the church arising from the grants of land, which have been considered, have been from time to time applied, as needed, to the support of the minister, and to defray other charges relating to public worship. This was in conformity to the spirit of the trust, and is a sufficient explanation in itself of the kind of interest which the church claimed in the property.—On the dismission of the Rev. Mr. Bates from the pastoral charge of the church and congrega-

tion in Dedham, at his own request, the unhappy dissension arose, which has terminated in a dismemberment of the society, and a litigation about the property. Mr. Lamson was elected by the parish, at a regular parish meeting, to be the successor of Mr. Bates.—The church refused to concur in the choice, a majority of this body disapproving of his religious tenets, or for other causes. The parish, with the minority of the church, invited a respectable council, consisting of the ministers of several churches and delegates, who advised to the ordination of Mr. Lamson over the parish, and who accordingly ordained him, notwithstanding the remonstrance of a majority of the members of the church, who finally seceded from the parish, and never, since the ordination of Mr. Lamson, have attended publick worship there, but have in another place, within the territorial limits of the parish, attended publick worship, and had the ordinances administered to them as a church.

After the ordination of Mr. Lamson, a church meeting was called, at which the members who acted with the parish attended, and they voted to remove from office the former deacons, who seceded with the majority of the old church, and elected the plaintiffs in their stead.

The members who seceded claim still to be the First Church in Dedham, and the successors of the church to which the property was given in trust; and the defendant claims to be the deacon of that church, and as such claims a right to hold the property.

In whatever light ecclesiastical councils or persons may consider the question, it appears to us clear from the constitution and laws of the land, and from judicial decisions, that the body, which is to be considered the First Church in Dedham, *must be the* church *of the* first parish *in that town, as to all questions of property*

which depend upon that relation.[1] This point was distinctly settled in the case of the Deacons of the First Church of Sandwich vs. Tilden, in which the Court went into a full discussion of the principles on which their decision was founded, but as the council employed declined arguing the case, no report has been made of it.*

[1 The passages here quoted in *italics*, are not so printed in the original.—See Preface.]

* The case referred to was briefly this. In the year 1786, Doct. Hearsey devised certain real estate in the County of Barnstable to a number of churches, directing the deacons of the several churches to receive the profits and pay them over to the ministers, to be by them applied to the purchase of certain religious books, which were to be distributed among the members of the church.—Among others, the Congregational church in Sandwich was the object of his bounty. At the time of his death, and for many years, there was but one such church in that town. Upon application to the legislature from all the devisees, authority was given to alienate the land, and distribute the proceeds in money to the deacons of the several churches mentioned in the will, in the proportion therein prescribed. Mr. Tilden, the defendant, was the agent, and the action was brought to recover the proportion belonging to the church in Sandwich; the plaintiffs styling themselves deacons of the first church in Sandwich.

In 1811, the parish voted to dismiss Mr. Burr, the minister, a great majority of the church non-concurring. These, together with the minister and a minority of the parish, formed themselves into a new society, were incorporated as a poll parish, and the members of the church claimed to be the first church in Sandwich, and the action was defended at their instance and request. The cause was decided in favour of the plaintiffs, on the ground that the church which was attached to and connected with the first parish, was necessarily the first church, and was the lawful successor to the church to which the devisee was made. It had been before decided that the dismission of Mr. Burr was regular and lawful, notwithstanding more than three fourths of the church members adhered to him, and continued in another place to sit under his ministry. See the case Burr *vs.* The inhabitants of the first parish in Sandwich, 9 Mass., Rep. 277.

If a church may subsist unconnected with any congregation or religious society, as has been urged in argument, it is certain that it has no legal qualities, and more especially that it cannot exercise any controul over property, which it may have held in trust for the society with which it had been formerly connected. That any number of the members of a church, who disagree with their brethren, or with the minister, or with the parish, may withdraw from fellowship with them, and act as a church in a religious point of view, having the ordinances administered and other religious offices performed, it is not necessary to deny; indeed this would be a question proper for an ecclesiastical council to settle, if any should dispute their claim. But as to all civil purposes, the secession of a whole church from the parish would be an extinction of the church; and it is compentent to the members of the parish to institute a new church, or to engraft one upon the old stock if any of it should remain; and this new church would succeed to all the rights of the old, in relation to the parish. This is not only reasonable, but it is conformable to the usages of the country; for although many instances may have occurred of the removal of church members from one church or one place of worship to another, and no doubt a removal of a majority of the members has sometimes occurred, we do not hear of any church ceasing to exist, while there were members enough left to do church service. No particular number is necessary to constitute a church, nor is there any established quorum, which would have a right to manage the concerns of the body. According to the Cambridge platform, *ch.* 3, § 4, the number is to be no larger than can conveniently meet together in one place, nor ordinarily fewer than may conveniently carry on church work. It would seem to follow from the very structure of such a body as this,

which is a mere voluntary association, that a diminution of its numbers will not affect its identity. A church may exist, in an ecclesiastical sense, without any officers, as will be seen in the platform; and without doubt in the same sense a church may be composed only of *femes covert* and minors, who have no civil capacity. The only circumstance therefore, which gives a church any legal character, is its connexion with some regularly constituted society; and those who withdraw from the society cease to be members of that particular church, and the remaining members continue to be the identical church. This is analogous to the separation of towns and parishes—the effect of which, by law, is to leave the original body politic entire, with its powers and privileges undiminished, however large may be the proportion which secedes. And so it is of all voluntary societies, having funds to be disposed of to charitable uses, in any particular place. A refusal of a majority of the members to act would devolve all power over the subject, upon those who might choose to persevere. Numerous fire societies, and other voluntary associations having funds, have acted upon this principle.

It is said in argument, that churches may subsist without connection with any parish or religious society; and the churches of Harvard College, Dartmouth College, and the Andover Institution, are cited as instances. We have before said, that it was not intended to deny that there may be such churches in an ecclesiastical sense: but there is not appertaining to them, as churches, any civil rights or privileges, by virtue merely of their association as members of a church. These very churches may possibly be religious societies, under the statute of 1811, called the religious freedom act, and may as such exercise power, *quasi* a body politic, to a certain extent: *but this does not tend to show that a church,*

which had existed within a parish, and as such has had the custody and the disposition of property for parish purposes, can disunite itself from the parish; and retain nevertheless all the property, and dispose of it to other uses, or to similar uses in another parish. If all the members of a church so situated should withdraw, leaving not even the deacons, or members enough to elect them, it might be necessary perhaps to apply to the legislature, in the absence of a Court of Chancery, to appoint some new trustee of the property, until a new church should be organized within the parish. But where members enough are left to execute the objects, for which a church is gathered, choose deacons, &c. no legal change has taken place—the body remains—and the secession of a majority of the members would have no other effect, than a temporary absence would have upon a meeting, which had been regularly summoned.

That a church cannot subsist without some religious community to which it is attached, with the exceptions before stated, is not a new theory. It has, we believe, been the understanding of the people of New England, from the foundation of the colonies. A few anomalous cases can have no bearing on the question. All the numerous laws, which were passed by the colonial and provincial legislature, in relation to churches, are predicated upon a supposed connexion with some body politic; and in the year 1800, a decisive expression of the publick opinion was given in an act of the legislature, which provides for the publick worship of God and for other purposes; for by the first section of that statute it is enacted, "That the respective churches connected and associated in publick worship with the several towns, parishes, precincts, districts and other bodies politic, being religious societies, shall at all times have, use, exercise and enjoy all their accustomed privileges and liberties, respecting divine worship,

church order and discipline, not repugnant to the constitution." The consequences of the doctrine, contended for by the defendant, will glaringly show the unsoundness of the principle, upon which the argument is founded. The position is, that whenever property is given to a church, it has the sole controul of it, and the members for the time being may remove to any other place, even without the Commonwealth, and carry the property with them.

Now property, bestowed upon churches, has always been given for some pious or benevolent purpose, and with a particular view to some associated body of Christians. The place, in which the church is located, is generally had in view by the donor, either because he there had enjoyed the preaching of the gospel and the ordinances, or because it was the place where his ancestors or his family and friends had assembled together for religious purposes. These associations will be found to be the leading motive for the particular direction, which his charity has received. If he gives to a church for the general purpose of promoting piety, or for the use of the poor of the church, he generally designates the body, by the place where it is accustomed to worship. Thus, if a donation were made to the Old South church, Park-street church, Brattle-street church, or any other that might be thus designated by local qualities, it must be supposed that the donor had in view the society of Christians worshipping in those places: and as his donation is intended to be perpetual, that he had regard to the welfare of successive generations, who might become worshipping Christians and church members in the same place. If the whole society should find occasion to remove to some other place in the same town, the identity might be perserved, and the bounty enjoyed as he intended it. But if the church alone should withdraw and

unite itself to some other church, or to a new and different congregation, it would be defeating his intentions, to carry the property with them, and distribute the proceeds in a community, for the members of which he may have never entertained any particular feelings of kindness.

To divert the charity from the poor of the Old South church, to the poor of the church in Park-street, would be to violate the will and design of the donor, as effectually as to apply it to the support of the town's or state's poor. So of property given for the support of publick worship, in any particular place.

It being, as we think, established, *that the members of the church, who withdrew from the parish, ceased to be the first church in Dedham, and that all the rights and duties of that body, relative to property entrusted to it, devolved upon those members who remained with and adhered to the parish:* it remains to be considered, whether the plaintiffs were duly chosen deacons of that church; and so became entitled to the possession of the property, as the trustees under the statute of 1754, as stated by the judge in his charge to the jury. And as this was thought to depend upon the validity of the settlement and ordination of Mr. Lamson, which took place in November 1818, it has seemed to become necessary to look into the facts which led the judge to state to the jury, "that Mr. Lamson was legally ordained, as minister of said first parish, and that those members of the church, who adhered to the parish and united with them on this occasion, must be considered as the church in said first parish in Dedham, and the successors of said ancient church, and that those members of the church, who withdrew from the parish and refused to concur in the proceedings of the majority of the inhabitants of said parish in the ordination of Mr. Lamson, could not in

law be considered as a church, so as to entitle them (though a majority) to hold, appropriate or controul said ministerial or church fund or property.

The objection to the settlement of Mr. Lamson rests altogether upon the supposition, that there could be no legal settlement and ordination, unless the church, as a distinct body from the parish or congregation, had assented to his call, and concurred in the proceedings preliminary to his settlement; and it is upon this ground also that the ordaining council are supposed to have had no authority in the matter; they being invited by the parish, and a minority of the members of the church, but not by the church itself, to which body, it is alleged, belongs solely the right of convening a council upon such occasions.

That the proceedings of the parish and the council were not conformable to the general usage of the country, cannot be denied. But the parish allege, in vindication of their departure from this usage, their constitutional right to elect and contract with their minister, exclusively of any concurrence or controul of the church; and the necessity they were under to proceed as they did, because the church had refused to concur with them in the choice, and in the invitation to the ordaining council. That the parish have the constitutional right contended for, cannot be questioned by those who will pursue the clause of the third article of the Declaration of Rights, upon which this claim is asserted. It is there provided, "that the several towns, parishes, precincts, and other bodies politic or religious societies, shall at all times have the exclusive right of electing their publick teachers, and of contracting with them for their support and maintenance." This is too explicit to admit of cavilling or to require explanation; as every constitutional provision for the security of

civil or religious liberty ought to be. All preexisting laws or usages must bow before this fundamental expression of the publick will; and however convenient or useful it might be to continue the old form of electing or settling a minister; whenever a parish determines to assert its constitutional authority, there is no power in the state to oppose their claim.

It has been supposed by counsel in the argument that there is a distinction between a publick teacher, whose election is thus provided for in the Declaration of Rights, and a minister or pastor of a church, in the ecclesiastical or clerical sense of these terms; and that although a civil contract may be made with the former, binding upon the parish, he is not vested with a religious character or office, so as to be entitled to the privileges of a minister of the gospel. But we see no ground for such distinction. A teacher of piety, religion and morality, is a minister of the gospel within the meaning of the Declaration of Rights; and it is a strange supposition, that the framers of the constitution or the people had respect, in this provision, to a class of men, not known at the time the constitution was formed; to whom should belong only a part of the character, duties and privileges, of ministers of the gospel. The term teacher was made use of as *nomen generalissimum*, to embrace the clerical head of every denomination of Christians in the state. It was well known, that in early times, certain titles used in the established church were offensive to our modest ancestors, as savouring of ecclesiastical distinction, and that the terms teacher, teaching elder, teaching officer, &c. were commonly used, in lieu of other official designations known in the English church. By a colonial law of 1668 it is provided, that teaching officers of churches should be the ministers to all the inhabitants of the towns, in which the churches, over which they are placed, shall be

planted. If a teacher of piety, religion and morality, in the sense of the Declaration of Rights, does not mean ministers of the gospel, then the provision is senseless and nugatory: for there was not then, nor is there now, any such officer known in the parishes or churches. It was supposed that this distinction was countenanced by the late Chief Justice Parsons, in the opinion delivered by him in the case of Avery vs. The Inhabitants of Tyringham, 3 Mass. Rep. 160. His words are, "by the constitution, the rights of the town are enlarged, if it choose to exercise them, and those of the church impaired. If the church, when the election has been disapproved by the town, shall unwisely refuse to make a new election, or the town, for any cause, shall abandon the ancient usages of the country in settling a minister, it may without or against the consent of the church, elect a publick teacher, and contract to support him; and such a teacher will have a legal right to the benefit of the contract, although he cannot be considered a settled minister of the gospel, agreeably to the usages and practice of the Congregational churches in the state." He then goes on to recommend an adherence to those usages, and to deprecate a departure from them, except in cases of necessity.

We agree with him in estimating highly these ancient usages, protected as the people are by the constitutional provision, and in hoping they may be observed in future, as they have been in past times. But we cannot think, nor can it be inferred from his observations that he thought, that a teacher chosen by the parish, without the consent of the church, and publickly set apart by ordination over the parish, would not be a settled minister of the gospel: although he would not be so according to the usages and practice of the Congregational churches in the state. For the constitution supercedes those

usages, where the parties do not choose to observe them; and to deny the character of ministers of the gospel to those, who are chosen according to the constitution, would be to repeal the constitution and render it nugatory.

There is one religious society* in the state at least, probably there are many, which, from its foundation, even before the adoption of the constitution, has departed from the general usage in the mode of settling their ministers. In this society there has been a long line of able, pious, learned ministers, teaching their flock for many generations, administering the holy ordinances of baptism and the Lord's supper, associating with the reverend clergy who may have been settled according to the common usage, and interchanging official duties with them. Will any one refuse to these teachers the character of ministers of the gospel, because they were not settled "according to the usages and practice of congregational churches in the state?" We apprehend not. The practice in this society has been, immemorially, for the parish only to choose the minister, church members acting only as parishioners; and the church is requested as a matter of courtesy to invite the ordaining council. As in former times, particularly at the period of forming our constitution, many distinguished citizens belonged to this society, it is not improbable that the constitutional provision emanated from them, for it is exactly conformable to the practice of this society since its foundation. And if uninterrupted harmony for near a century, between church and society, and repeated unanimity in the choice of a minister, is any evidence of the merits of any system; there need be no apprehension of those disorders, which some have imagined will follow a

* Brattle Street, in Boston.

general execution of the constitutional privilege. The distinction suggested is founded upon the hypothesis that the people, in establishing the provision in the third article, meant only to secure the right in towns, &c. to elect certain civil officers to be called teachers of piety, religion, and morality, like schoolmasters, who were not to be vested with a sacred or religious character or privileges; and that, in order to endow them with these, there must still be an appointment by the church, or some other body foreign to the town or parish. But this would have been going only half way in establishing the right of the people; for the most interesting, if not the principal, office of a minister is of a religious nature; such as administering the holy ordinances to those who should seek them; and of this benefit the people would be deprived at the will of the church, if such is to be the construction of the constitution. Indeed, if the church and congregation should concur in the choice of a minister, and other churches should, from disagreement with their creed, decline to advise to, and assist in the ordination; upon this close construction, the person chosen might be a teacher, but he could not be a minister of the gospel, because not settled according to the usages and practice of the congregational churches; for those usages require a council, composed of the ministers and delegates of other churches, to give validity to an ordination.

What is the essential virtue and publick benefit of an ordination? Surely it is nothing but setting apart—installing or inaugurating one who has been chosen to the office, and tendering to him the fellowship of the churches who assist in the ceremony. It will not now be contended, that any spiritual or temporal power is conferred by the imposition of hands. Ordination, according to the platform, is nothing else

but the solemn putting a man into his place and office in the church, whereunto he had a right before, by election; being like the installation of a magistrate in the Commonwealth. "Ordination is therefore not to go before, but to follow election." Again;—"Ordination doth not constitute an officer, nor give him the essentials of his office." Cambridge platform, ch. ix, sec. 2. It is true, that the election here spoken of is an election by the church; but whenever, by change of law or usage the right of election come to the congregation, the principles in regard to ordination are applicable. The people having the constitutional right to choose, they must have the right to have the minister of their choice set over them, or the former right would be in many important respects useless. If then the church would obstruct their wishes, by refusing to concur in calling a council, they have a right to invite one themselves; or if, upon prudential motives, or from adherence to old forms, they could find no ministers or churches to aid them, they would have the right, by some publick solemn act, to carry into full effect their constitutional privilege, and thus to secure to their pastor all the privileges and immunities of a publick teacher of piety, religion and morality, and of a minister of the gospel. This doctrine is as old as the history of the New England churches; for the first minister of Salem was set apart by the lay brethren, accident having prevented the clergy who were expected from attending; and though, after they arrived, they participated in the ceremony by giving the right hand of fellowship, this act was not an essential part of ordination. They seem not to have doubted the right of the people to give publicity to their choice; for although after they formed themselves into a church state, they installed their ministers anew, it does not appear that any council was called in for this purpose.—And

the Cambridge platform recognises the principle; for in sec. 4, ch. 9, it is said, if the people may elect officers, which is the greater, and wherein the substance of the office doth consist, they may much more (need so requiring) impose hands in ordination, which is the less, and but the accomplishment of the other.

We consider then the non-concurrence of the church in the choice of the minister, and in the invitation to the ordaining council, as in no degree impairing the constitutional right of the parish.—That council might have refused to proceed, but the parish could not by that have been deprived of their minister. It was right and proper, as they could not proceed according to ancient usage, because of the dissent of the church, to approach as near to it as possible by calling a respectable council, and having their sanction in the ordination. And it was certainly wise in that council, finding that the points of disagreement were such as would be likely to cause a permanent separation, to yield to the wishes of the parish, and give their sanction to proceedings, which were justified by the constitution and laws of the land. They ordained him over the parish only: but by virtue of that act, founded upon the choice of the people, he became not only the minister of the parish, but of the church still remaining there, notwithstanding the secession of a majority of the members. *Mr. Lamson thus became the lawful minister of the first parish in Dedham, and of the church subsisting therein; and he had a right to call church meetings, and do all other acts pertaining to a settled and ordained minister of the gospel.* The church had a right to choose deacons, finding that the former deacons had abdictated their office; and thus no legal objection is found to exist against their right to maintain this action.

Farther we need not go; but it may not be useless to pursue historically the agency of the church in the choice and settlement of ministers from the earliest times of the Commonwealth.

As was observed in the discussion of the first point, there appeared to be little practical distinction between church and congregation, or parish, or society, for several years after our ancestors came here. It was not till the year 1641, that we find any legislative recognition of the right and power of churches to elect ministers. Before that period, without doubt, the whole assembly were considered the church, or so great a portion of it, that no necessity of any regulation could exist. But in that year the right to gather churches under certain restrictions was established, and the power of electing church officers, comprehending without doubt ministers, was vested in the church. How the ministers before that time were supported does not appear; but it is probable by voluntary contribution: for it does not appear that any legal obligation was created before the year 1652. Even then, so great a proportion of the adult inhabitants of the town must have been church members, that probably there was no immediate complaint, that a part of the parish had the right given to them by law to impose a minister upon the rest, who had no voice in his election. By the colonial statute, the right of ordaining the minister was also given to the church, which had also the power of admission, recommendation, dismission and expulsion, or disposal of their officers and members upon due cause, according to the rules of the word.

In 1658 it was provided, that no person should preach publickly and constantly to any company of people, whether in church society or not, or be ordained to the office of a teaching elder, where any two organick churches, council of

state, or general court, shall declare their dissatisfaction thereat, either in reference to doctrine or practice. And in case of ordination of any teaching elder, timely notice thereof was to be given unto three or four of the neighboring organick churches, for their approbation.

This probably was the origin of the councils called to aid in the ordination of the ministers, and it was their business to inquire into the qualifications of the candidate, and probably into his theological creed, in order that no new or strange doctrines might interrupt the uniformity of faith then existing, and thought to be essential.

At this period the power and functions of a council were important, for as all congregational churches (and it is not known there were any other at that time) agreed in doctrine and in form, if the minister could not satisfy the council, he could not be ordained; such a council being essential by the existing law to an ordination.

At the present time the authority of such councils is much impaired; for if the church or parish and minister agree, they will summon such a council as will approve their views; and if they should be mistaken in their selection, they will invite a new council, and so on *toties quoties*, until they find one which will gratify their wishes. This was done at Deerfield some years ago, and other instances have occurred within the Commonwealth. So that an ordaining council now is of little more efficacy than to give publicity to the act of the people in choosing their minister, and solemnity to his induction into office.

In 1654 authority was given to the county court to assess upon the inhabitants a proper sum for the support of their minister, if any defect existed, and this probably was the first coercive power given for this purpose. This law seems to have been re-enacted in the year 1660.

Notwithstanding the law of 1641 vested the power of choosing ministers in the churches, it is probable that some of the town or parish, not members of the church, when compelled by law to pay the minister, used to interfere in the elections, upon the ground, not an unreasonable one, that as they were subject to pay their proportion towards his support, they ought to share in the privilege of electing him: or perhaps they construed the law to mean, that all the worshipping assembly were the church for such purposes. For in 1668, it was thought necessary to enact again—that the church should elect all her officers; and in this statute the term *church* is explained to mean those who are in full communion only, and the teaching officer of the church is declared to be the minister of the whole people. And it was further provided that no inhabitant of any town should challenge a right unto, or act in, the calling or election of such officer or minister, until he be in full communion, upon the penalty of being accounted a disturber of peace and order, and to be punished by the court of the shire either by admonition, security for good behaviour, fine or imprisonment, according to the quality or degree of the offence.

Such a law could not have been wanted, if the church quietly possessed the exclusive right given to it by the statute of 1641, of electing and ordaining the minister.

It probably too was insisted upon, by those who were denied the right of voting, that the person appointed against their will might be the officer of the church, but was not the minister of the people, and this surely was sound republican doctrine. But the legislature settled the point by declaring that the church should choose the minister, and that he nevertheless should be the minister of the people, and they should be bound to pay him.

This system, though perhaps necessary for the times, was so uncongenial with the free principles which laid the foundation of the New England churches, that although it probably was submitted to without actual resistance, yet it was not acquiesced in. About thirty years after this, in the 4th of Will. & Mary an act passed the legislature, vesting the appointment of ministers in the inhabitants of the town, and providing that if they neglected this duty for six months, the court should provide a minister, and cause him to be settled within the town. By this act the power of churches, as a distinct body, to choose the minister, seems to have been entirely taken away; and lest by implication all their other powers should be construed to be abolished, the third section of the statute provides, that the respective churches within the province shall, at all times hereafter, use, exercise and enjoy all their privileges and freedoms respecting divine worship, church order and discipline, and shall be encouraged in the peaceable and regular profession and practice thereof. This statute placed the parishes and the churches upon the same footing, as did the constitution of 1780, and the law of 1800, which has been before referred to.

It seems that in the same year another statute passed, vesting the power of choosing the minister explicitly in the major part of the inhabitants of the town, restricting them in the choice to a person of good conversation, able, learned and orthodox; for such a statute is recited in the statute of the 5th of Will. & Mary, ch. 16, sec. 7. But in another statute it is declared, that upon further consideration, the method proposed for the choice of a minister has in divers towns been found impracticable, and by the eighth section of this last statute, the former is repealed. And by the ninth section it is provided, that each respective gathered church,

in any town or place within the province, that at any time shall be in want of a minister, shall have power, according to the directions given in the word of God, to choose their own minister; and the major part of such inhabitants as do there usually attend on the publick worship of God. and are by law duly qualified for voting in town affairs, concurring with the church's act, the person thus elected and approved, accepting thereof and settling with them, shall be the minister, and all the inhabitants shall be liable for his support. In the same statute it was enacted, that in such towns and places where there was no church gathered, the inhabitants should, with the advice of three neighbouring ordained ministers, choose and call an orthodox, pious and learned person to dispense the word &c.

But in two years from this, the system was again changed, for it was then enacted that when the church should make choice, if the town did not concur, the church might call in a council of the elders and messengers of three or five neighbouring churches; to which council was given the power of examining and deciding upon the question between town and church; and if they approved the choice of the church, the minister might be settled, notwithstanding the nonconcurrence of the town.

No other law was passed upon the subject, during the continuance of the provincial government.

From these several colonial and provincial regulations, the efforts of the churches to obtain, preserve, and, when lost, to recover their power, particularly in the choice of ministers, may be very clearly discerned. In 1641, it was absolutely vested in the church. Shortly after this, the inhabitants, being compelled to pay, claimed a right to vote; but the legislature lent its aid to the church,—re-enacted its power,

and punished those who should attempt to vote, not being church members. This was in 1668. Soon after the charter of King William, and when the disproportion in number between church and congregation was probably greater than it had formerly been, the correspondence between taxation and election being better understood, or more earnestly insisted on, the corporation or parish, which was made liable by law to maintain the minister, claimed the right to choose him, exclusively of the church, and the right was recognised and established by the legislature.

But this endured but a short time, not long enough to try an experiment; for the very next year, the church claimed a concurrent right with the congregation; and this was granted. If harmony subsisted between the church and congregation, this system would have been satisfactory; but it being foreseen that the two bodies might disagree, and that there might be a long vacancy in the ministerial office, the right of the church was re-established by law, which was in effect exclusive; the right of the congregation to concur being merely nominal, as the church might call in a council to suit itself, and by that council their choice might be ratified, notwithstanding the dissent of the congregation.

History gives us no account of the operation of this system; if it was acquiesced in, it was probably because a difference between church and people seldom occurred; and when it did, that the minister chosen by the church was too wise to accept, or perhaps the council in such cases composed differences, or advised the church to waive its pretensions. It is not probable that in a period when the knowledge of civil and religious rights was rapidly increasing, and the zeal for them becoming every day more ardent, as it must have done between the enactment of the last mentioned law and the

revolution, that any congregation in the province would have submitted to have had a minister imposed upon them against their will, and at the same time to be chargeable with his support.

But still instances of disagreement must have now and then occurred, and the publick sentiment was gradually verging towards the broad and liberal principle, which was adopted in the constitution; a principle, in reference to religious privileges, correspondent with that which was established in relation to civil rights, that the citizen, who contributed towards the support of the government, should have a share in the election of those who were to administer the government.

The right is now, by a fundamental law, which cannot be repealed, vested in the body politic, which is made liable to the duty, and for the support.

Churches, as such, have no power but that which originally belonged to them, and which was recognised in the provincial statute of 1692—and again in the statute of the Commonwealth of 1800—viz. of divine worship and church order and discipline. They still retain, by courtesy, the practice of nominating to the congregation, and there is seldom any disagreement. As long as this privilege shall be discreetly exercised, without doubt it will continue.—We are not desirous of impairing it, but being called upon to declare the law of the land on a question of property, it is not in our power to yield to prejudices, however long they may have endured, or however useful, in the opinion of some, may be their continuance.

It has been suggested, that the usage of churches has been so general and constant, ever since the adoption of the constitution, that it may now be set up as law, although contrary to the Declaration of Rights. But constitutional privileges

can never be lost by mere non-user.—Neither individuals, nor aggregate bodies, nor the government itself, can prescribe against the rights of the citizen, with respect to any privilege secured by the constitution.

Indeed we apprehend those are mistaken, who imagine that the cause of religion would be served, publick worship promoted, or instruction in piety, religion and morality more extensively encouraged, by restoring to the churches the power they once enjoyed, of electing the minister without concurrence of the people or congregation, or by the aid of a council which they might select to sanction their choice. Nothing would tend more directly to break up the whole system of religious instruction. For the people never would consent to be taxed for the support of men, in whose election they had no voice. It is an undoubted fact, that the male members of the churches form but a small part of the corporation, which makes the contract, and is obliged to perform it; and it is not at all consistent with the spirit of the times, that the great majority should, in this particular, be subject to the minority. To arrogate such a power, would be to break up, in no distant period, every parish in the Commonwealth.

The authority of the church should be of that invisible, but powerful nature, which results from superior gravity, piety and devout example. It will then have its proper effect upon the congregation, who will cheerfully yield to the wishes of those who are best qualified to select the candidate; but as soon as it is challenged as a right, it will be lost. The condition of the members of a church is thought to be hard, where the minister elected by the parish is not approved by them; this can only be because they are a minority, and it is one part of the compensation paid for the many blessings resulting from a state of society. A difficulty of this nature surely

would not be cured by returning to the old provincial system, of letting the minority rule the majority; unless we suppose that the doctrines of a minister are of no consequence to any but church members. Besides, in the present state of our laws, and as they are likely to continue, there is no hardship, although there may be some inconvenience; for dissenting members of the church, as well as of the parish, may join any other church and society; or they may institute a new society: so that they are neither obliged to hear nor to pay a minister, in whose settlement they did not concur. It is true, if there are any parish funds, they will lose the benefit of them by removal, but an inconvenience of this sort will never be felt, when a case of conscience is in question.

Having established the points necessary to settle this cause, viz. that the property sued for belongs to the first church in Dedham, *sub modo;* that is, to be managed by its deacons under the superintendance of the church, for the general good of the inhabitants of the first parish, in the support of the publick worship of God;—that the members of the church, now associated and worshipping with the first parish, constitute the first church:—and that the plaintiffs are duly appointed deacons of that church; it follows that the verdict of the jury is right, and that judgment must be entered accordingly.

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